

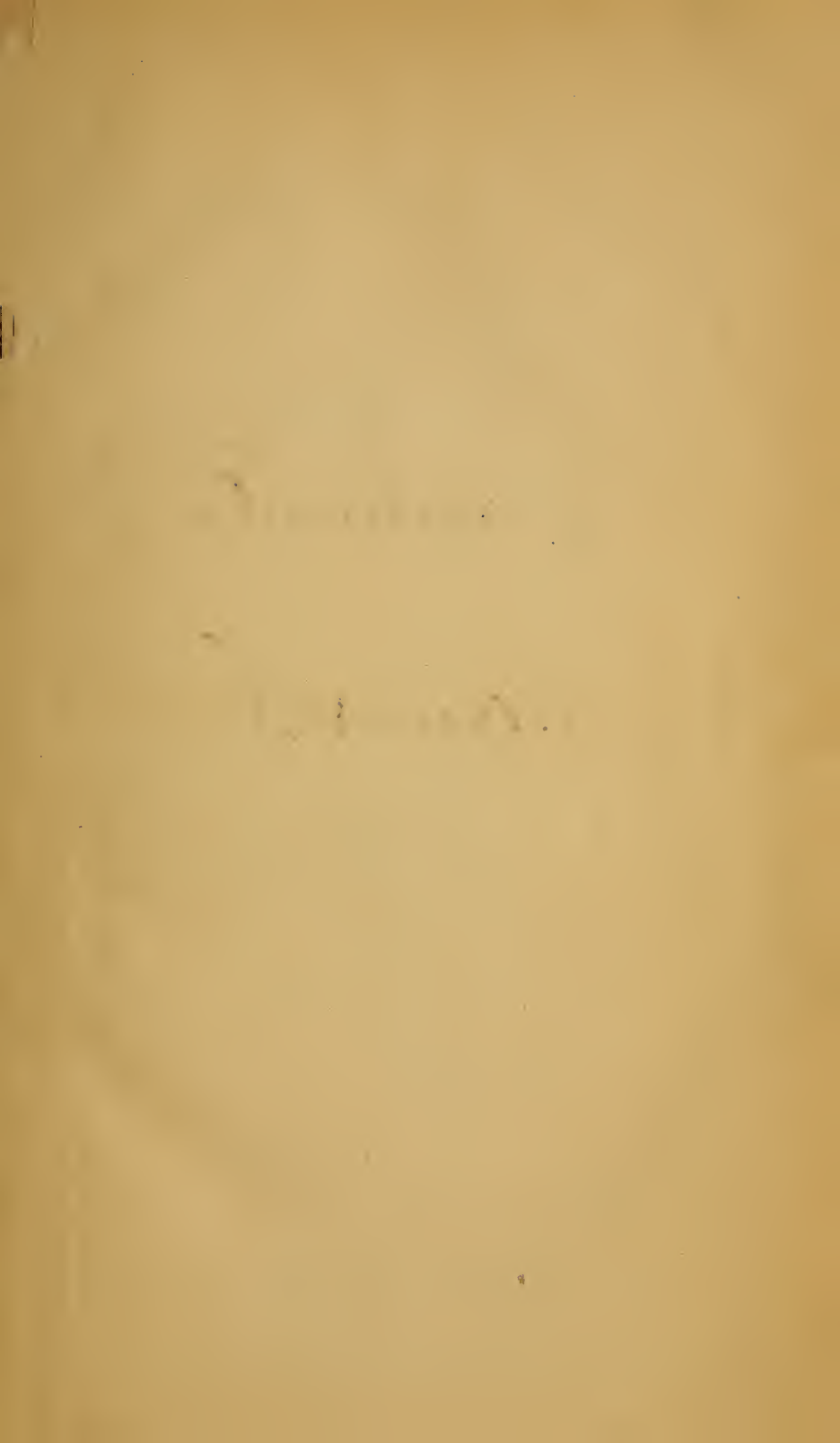
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1800

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PAMPHLETS.

Sandwich
Islands

THE HISTORY OF THE SANDWICH ISLANDS, AS DISCOVERED BY JAMES COOK, IN HIS SECOND VOYAGE TO THE PACIFIC OCEAN, IN THE YEARS 1771, 1772, AND 1773. BY JAMES COOK, CAPTAIN OF THE BRITISH SHIP "THE DISCOVERY." LONDON: PRINTED BY R. DODD, ST. PAULS CHURCH-YARD, 1777.

IN TWO VOLUMES.

VOLUME THE SECOND.

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AN

ACCOUNT OF THE VISIT

OF THE

FRENCH FRIGATE L'ARTEMISE,

TO THE

SANDWICH ISLANDS;

JULY, 1839.

Honolulu:

.....
1839.

Wm. Everett, Esq. Aug. 7, 1867.

81589

WE the undersigned officers of the United States East India Squadron, having upon our arrival at this place, heard various rumors in relation and derogatory to, the American Mission at these islands, feel it to be due, not only to the missionaries themselves, but to the cause of truth and justice, that the most unqualified testimony should be given in the case; and do therefore order one thousand copies of the annexed article and correspondence to be printed for gratuitous distribution, as being the most effectual mode of settling this agitated question in the minds of an intelligent and liberal public.

Being most decidedly of opinion that the persons composing the Protestant mission of these islands are American citizens, and, as such, entitled to the protection which our Government has never withheld; and with unwavering confidence in the justice which has ever characterized it, we rest assured that any insult offered to this unoffending class will be promptly redressed.

It is readily admitted that there may be in the operation of this, as in all other systems in which fallible man has any agency, some objectionable peculiarities; still, as a system, it is deemed comparatively unexceptionable, and believed to have been pursued in strict accordance with the professed principles of the Society which it represents; and it would seem that the salutary influence exerted by the mission on the native population, ought to commend it to the con-

fidence and kind feelings of all interested in the dissemination of good principles.

GEO. A. MAGRUDER, *Lieutenant.*

ANDREW H. FOOT, *Lieutenant.*

JOHN W. TURK, *Lieutenant.*

THOMAS TURNER, *Lieutenant.*

JAS. S. PALMER, *Lieutenant.*

EDWD. R. THOMSON, *Lieutenant.*

AUGUSTUS H. KILTY, *Lieutenant.*

GEO. B. MINOR, *Lieutenant.*

JOHN HASLETT, *Surgeon of the Fleet.*

JOHN A. LOCKWOOD, *Surgeon.*

DANGERFIELD FAUNTLEROY, *Purser.*

FITCH W. TAYLOR, *Chaplain.*

ROBERT B. PEGRAM, *Master.*

JOSEPH BEALE, *Ast. Surgeon.*

J. HENSHAW BELCHER, *Prof. Math's.*

ALEXR. G. PENDLETON, *Prof. Math's.*

Honolulu, Oahu, November 1st, 1839.

AN ACCOUNT

OF THE TRANSACTIONS CONNECTED WITH THE VISIT

OF THE L'ARTEMISE;

*Remarks on the Manifesto; — Treatment of the Missionaries,
and the Correspondence between the Missionaries and
Commodore Read.*

By SAMUEL N. CASTLE, Honolulu.

THE French Frigate l'Artemise, Captain C. Laplace, arrived in the roads off Honolulu, Oahu, July 9, 1839. Capt. L. came commissioned by his government to adjust its difficulties with that of the Sandwich Islands.

On the afternoon of the same day, the U. S. Consul issued the following official notice, viz:—

To the Citizens of the United States,
resident at the Sandwich Islands; }
"United States Consulate,
Sandwich Islands, July 9, 1839. }

I am officially informed by the commandant of the French Frigate l'Artemise that satisfaction is demanded by him for the offences of this government against that of France; and that unless such satisfaction shall be previously granted hostilities will be commenced on the twelfth, by the force under his command.

In case of war, I am desired, under his kind favor, to proffer to all American citizens, excepting the Protestant clergy, an asylum and protection on board the Frigate.

(Signed,) P. A. BRINSMADE."

Also under date of the 10th, the following addressed to the mission:—

To Mr. Levi Chamberlain, agent of
the secular affairs of the American
Mission of the Sandwich Islands; }
"U. States Consulate,
Sandwich Islands, July 10, 1839. }

SIR:— I have just received official communications from the commander of the French Frigate recently arrived of the possibility of hostilities being commenced by the force under his command against this government and people, and I feel it my duty to apprise you as an American citizen residing within my Consular district of the position in which that communication places you and those associated with you under the patronage of the Am. Board of Com. for Foreign Missions. On the other side you will please find copy of a translation of the document which you will please use for your information, and with the understanding that its publication in print will not be authorized by me.

I am, Sir, with entire respect, your most Obedt. Servt.
(Signed,) P. A. BRINSMADE."

Captain Laplace's Communication to the Consul.

[Copy of translation.]

“MONSIEUR LE CONSUL:—Some difficulties have taken place between the king of the Sandwich Islands and France.

The Manifesto, a copy of which I have the honor of addressing to you as the representative of a nation friendly with mine, will explain to you what have occasioned them. They are such that if this chief does not give me the just satisfaction which I demand, hostilities will commence the 13th, at noon.

Under these circumstances I consider I ought Monsieur le Consul to inform you, that I offer to your compatriots asylum and protection in the Frigate l'Artemise should they apprehend any danger on the part of the natives for themselves or their property.

I do not however include in this class the individuals, who, although born it is said in the United States, make a part of the Protestant clergy of the chief of this archipelago, direct his counsels, influence his conduct, and are the true authors of the insults given by him to France.

For me they compose a part of the native population and must undergo the unhappy consequences of a war which they shall have brought on this country.

Accept, Monsieur le Consul, the assurance of the very distinguished considerations of your devoted servant,

(Signed,) C. LAPLACE.
Post Capt. Com. the l'Artemise.”

The members of the Mission at Honolulu held a meeting on the 11th, and in view of probable hostilities and the peculiar danger to which they considered themselves and families exposed from the exception in the Consul's notice should hostilities occur, thought proper to apply to the American Consul for protection as American citizens.

Accordingly one of their number was appointed to draft a letter expressive of their wishes and reported the following, viz:—

“To P. A. Brinsmade, Esq.
U. States Consul;

SIR:—We learn from your official communication to the American citizens at this place, that the commander of the French Frigate, now in the roads, having demanded of the authorities of this nation satisfaction for alleged offences against the French nation, threatens speedy hostilities in case his terms are not complied with; and that in that case he offers asylum and protection on board his ship to all American citizens except *Protestant Clergymen*.

We regard ourselves as proscribed by this exception, our persons, our lives our families, and a considerable amount of property of three chartered societies in the United States, the Am. B. C. F. M., Am. Bib. Society, and

the Am. Tract Society — exposed to violence without our having in any way violated our duty or forfeited our protection as American citizens, or in any way either secretly or openly having offered any insult or injury to the great, enlightened, powerful and deservedly respected nation of the French.

We therefore respectfully solicit the protection of the United States for ourselves and our associates throughout our mission, forty unoffending citizens of the United States and their families, and request you to take such measures and such means as may seem to you proper and within your reach, for the security of our just rights as citizens of our common country, to which we are bound by a thousand ties though separated by thousands of miles, and which, we are happy to say, is now on terms of amity with France.

Very respectfully, your fellow citizens

and obedient Servants,

LEVI CHAMBERLAIN,
A. S. COOKE,
H. O. KNAPP,
H. DIMOND,
R. TINKER,

H. BINGHAM,
C. FORBES,
G. P. JUDD,
S. N. CASTLE,
W. RICHARDS,
LOWELL SMITH."

To this communication the following answer was received:—

“ United States Consulate,
Sandwich Islands, July 12, 1839. } ”

To Mr. Levi Chamberlain and
others of the Am. Missionaries
at the Sand. Islds.

GENTLEMEN:— Your communication of yesterday soliciting the protection of the United States for yourselves and associates throughout the mission against the intended aggression upon your American rights on the part of the French naval force, now lying off this harbor, has been received at this consulate.

In reply I can only say that my Consulate, established by the authority of the United States and acknowledged by this government, is under the protection of the American flag. Within its office and enclosure I offer you such asylum and protection as it may afford by its neutral position in relation to the nations whose differences are in progress of adjustment. I am offered from the authorities of this country all the means of defence which I may deem necessary.

I am, Gentlemen, with entire respect,

Your most Obt. Servant,

(Signed,)

P. A. BRINSMADE,

U. S. Consul.”

Upon the receipt of this communication Mr. Chamberlain in behalf of the members of the Mission at the station made the following communication to the U. S. Consul:—

“To P. A. Brinsmade, Esq.
U. S. Consul;

Honolulu, July 12, 1839.

DEAR SIR:—I have just received your official communication in reply to an application of the members of the Sandwich Islands Mission resident in Honolulu, asking protection from your government in case of hostilities being commenced on the Sandwich Islands nation by the national armed vessel of France, l'Artemise now off this port.

You very kindly offer such asylum and protection as your consulate may afford by its neutral position in relation to the nations whose difficulties are in progress of adjustment.

In accepting this offer of protection from our national representative, I beg to inquire, whether in case of hostilities we can claim the protection of the American government as its citizens, should we be found elsewhere than in the enclosure of the American Consulate, and what protection can be promised to the life and property of the Missionaries of the American B. C. F. M. residing in places remote from Honolulu and on other islands in case of hostilities being extended through the group.

I am, Sir, very respectfully,
in behalf of the American Missionaries
at Honolulu,

Your friend and Obt. Servant,
(Signed,) LEVI CHAMBERLAIN.

To which the following answer was received:—

“United States Consulate,
Sandwich Islands, July 12, 1839. } ”

To Mr. Levi Chamberlain, Agent for
the Secular affairs of the Am. Miss.
to the Sandwich Islands;

“SIR:—Yours of present date is this moment to hand. In reply to the enquiries proposed by you, I feel no hesitation to say, that in the appropriate pursuit of the objects contemplated by your mission, you are each entitled to the protection of the government of the United States, equally with any other American citizen; and that the passports and certificates of citizenship holden by the several members of the mission are deserving of respect, and that their validity will be vindicated if wantonly violated.

In case of hostilities being extended through the group, I know not that other or better “protection can be promised to the life and property of the Missionaries of the American B. C. F. M., residing in places remote from Honolulu and other islands,” than an unimpaired testimony to their citizenship, under the broad seal of the UNITED STATES.

I am, Sir, very respectfully,
Your most Obt. Servant,
(Signed,) P. A. BRINSMADE.”

During this period of suspense and anxiety to all, the feelings and proceedings of the foreign residents, will be best understood by the following extracts from the Sandwich Island Gazette of July 20, 1839:—

“At a meeting of the foreign residents at Honolulu, Wednesday morning, July 10th, 1839, at 11 o'clock A. M.

S. Reynolds, Esq. chosen Chairman,
C. R. Smith, Secretary.

A letter from Capt. Laplace of His Majesty the King of the French's Frigate l'Antenaise, to Her B. M. Consul was read by the chairman.

It was then resolved, That a committee of seven be chosen to act as may be required by the present state of affairs.

Resolved, That Messrs. Charles Brewer, Wm. Hooper, George Pelly, Wm. French, John C. Jones, John Meek and Stephen Reynolds, be appointed as the said committee.

Resolved, That the said committee do make all such arrangements and enquiries as the exigencies of the present crisis may demand.

Resolved, That the meeting adjourn until called by the committee.

The above committee agreed to meet at the House of Wm. French, Esq. at half past seven o'clock this evening.

Wednesday evening at half past seven o'clock.
July 10th, 1839, at the house of Wm. French, Esq.

The Committee met according to appointment, Stephen Reynolds, Esq. in the chair.

Voted, That this committee be called the Committee of Vigilance of Foreign Residents at Oahu.

Voted, That this committee consider itself empowered to act as a Standing Committee of Vigilance until dissolved by a vote of a majority of the foreign residents.

Voted, That a letter be addressed to the Captain of the French Frigate for the purpose of ascertaining what arms or assistance he can afford, or what co-operation may be expected from him in the event of hostilities taking place. And that a sub-committee of three be appointed to prepare a letter. George Pelly, William Hooper, and John C. Jones, Esqrs, were appointed as a sub-committee.

Voted, That a sub-committee of three, be appointed to address a letter to the governor and authorities of this island; to inquire, in what light they will consider the foreign residents, in case of hostilities, whether as enemies or friends, whether they will afford protection to their persons and property, and in what way, or whether they will be left to their own resources; Stephen Reynolds, Charles Brewer and Wm. Hooper, Esqrs. were then appointed as the sub-committee.

Voted, That a sub-committee of two be appointed, to present a paper to the different foreign residents for their signature that the signers of that paper pledge themselves to co-operate with each other for mutual defence if necessary; that the sub-committee at the same time ascertain what arms, powder and ammunition can be furnished by each individual; and that the sub-committee likewise secure the two brass guns belonging to Mr. H. Zupplien, and have cartridges and ammunition provided for them. Captain John Meek and Wm. French, Esqrs, were then appointed as the sub-committee.

Voted, That in case of emergency, the Seamen's Chapel be a place of rendezvous for the foreign residents; that the bell be tolled incessantly and a Flag either British or American displayed in the daytime or lights shown thereon from the tower at night. And that any member of the Committee of Vigilance may toll or cause to be tolled the bell when necessary.

Voted, That each member of the committee be furnished with a copy of the proceedings of this evening as soon as possible.

Voted, That the committee adjourn until to-morrow at 10 o'clock A. M. at the store of Mr. French, and examine and approve the letters prepared by the sub-committees, and then adjourn until half past seven o'clock in the evening at the house of Mr. French.

Thursday Morning, July 11th, 1839, at the store of Wm. French at 10 o'clock A. M.

The committee met according to appointment and having examined and approved the letters prepared by the sub-committees, to the French Captain and the authorities of the islands; the said letters were dispatched to their destination, and the committee adjourned until evening."

COPY.

"To Captain C. LAPLACE,

11th July, 1839.

His Majesty the King of the French's Ship l'Artemise.

SIR:— We the undersigned Committee of Vigilance deputed by the foreign residents at this place, to concert measures for the security of the persons and property of the foreign residents, pending the unhappy differences between the government of France and the authorities here, take the liberty of this address.

The Committee clearly foresee that in the event of actual hostilities commencing, their persons and property will be placed in imminent danger, and what will be more calamitous, from the unhappy circumstances of the foreign residents not being in possession of arms and ammunition sufficient to make their most energetic efforts for defence, against the evil disposed effective.

The Committee have with a view to supply the deficiency in arms and ammunition taken the liberty to make an appeal to you at this perilous moment with a request that you will inform the committee if you should be able and disposed, in case of a declaration of war, previous to the actual commencement of hostilities, to supply the committee with arms, ammunition and accoutrements, and likewise the number and description of such arms, etc. in case you think it expedient to comply with the committee's request.

If the committee's application meets your approbation, the arms required would probably not exceed fifty muskets, one hundred pistols and fifty cutlasses, as many of the foreign residents are already possessed of the necessary arms and accoutrements.

We have the honor to remain with highest consideration, Sir,

Your Obliged Svts.

Signed,

C. BREWER,
WM. HOOPER,
STEPHEN REYNOLDS,
WM. FRENCH,

J. C. JONES,
GEO. PELLY,
J. MEEK.

COPY.

"To Her Excellency Kekaulonohi, and the authorities of Oahu:—

At a meeting of the foreign residents held July 10th, it was resolved that a committee be appointed to take into consideration what measures shall

be recommended to insure the safety of the foreign community in case of hostilities being commenced between this government and that of France.

The subscribers, composing that committee, take the liberty to request you will make known to the foreign residents, through us, the feelings which this government entertain towards them, and whether they can depend on your assistance in any measures which may seem advisable to take, in order to protect their lives and property from any attacks on the part of the native population who may break through the restrictions which we believe your authority will impose.

The committee have every confidence that this government will pursue such a course as will render it unnecessary for the force now off the harbor to proceed to extremities, but if such a calamity shall threaten us, we wish in harmony with the constituted authorities of the place to be prepared to defend ourselves and property against the aggressions of a lawless multitude.

We remain with sentiments of respect,

Signed,

C. BREWER,
WM. HOOPER,
STEPHEN REYNOLDS,
WM. FRENCH,

Your most Obt. Svts.
J. C. JONES,
GEO. PELLY,
J. MEEK.

Thursday evening, July 11th, 1839, at the house of Wm. French, Esq. half past seven o'clock.

The Committee met according to adjournment, S. Reynolds, Esq. in the chair.

Mr. Hooper of the sub-committee, appointed to prepare a letter to the authorities of the island, presented the answer which was read.

TRANSLATION.

Honolulu, July 11th, 1839.

To Messrs. Jno. Meek, Geo. Pelly, John C. Jones, C. Brewer, W. Hooper and Wm. French.

GENTLEMEN:—

I have received your communication and hasten to express to you the sentiments entertained by the chiefs at this place in regard to foreign residents. It is proper that we should protect the subjects of other lands; and be to them instead of their own rulers, inasmuch as this is enjoined upon us, to contribute according to our ability to the safety of their subjects, resident at these Islands. And were there no stipulations to this effect, I would have you understand that it is my mind and pleasure to do it. I have therefore sent a herald through the streets to command the people to keep quiet, to avoid all disorder; especially within the enclosures of the foreigners.

I am happy to comply with any reasonable plan which you may meditate for the safety of the persons and property of all the foreigners residing here. While I live you shall lack nothing which will promote your peace; but should I be taken away, it will devolve on my friends to protect you. Should evil approach you from the sea, I have no power over that, nor strength to assist you. If any mischievous natives should plunder from you, I give them into your hands during these days to determine their demerit, and when our perplexity is past, I will see to it that they are justly punished.

Affectionately yours,

Signed, **KEKAULUOHI.**

Mr. Jones of the sub-committee, appointed to prepare a letter to the Captain of the *l'Artemise*, presented the answer received, which was read.

TRANSLATION.

GENTLEMEN:—

I hasten to reply to the letter which you have done me the honor of writing to me, and I am so much the more pleased with the means you have adopted to defend your families and property against the violence to which the natives might be moved, in case I should consider myself compelled to commence hostilities against the government of the Sandwich Islands, that they diminish the sensitive fear, which I had felt in this regard concerning the security of so many respectable persons, whose interests are as dear to me as are those of my compatriots, hence have I prepared forces sufficiently strong that in giving a dreadful blow, the French shall be the masters and the protectors of the town at the same time; so that pillagers being subject to the just punishment which I have commanded the principal of the expedition to inflict instantaneously upon them, will not be afforded time to commit any considerable depredations.

I am sensible, gentlemen, how much the aid of so many brave English and Americans would secure still more the success of my arms; but unhappily, to my regret, I am unable to furnish them with the means of defence which they want; for all my men are to be employed in the attack on the town and the defence of the Frigate; therefore I cannot possibly dispose of any of the guns or swords of which our armament is composed.

Accept, gentlemen, the expression of my regret for not being able to comply with your wishes, that of my thanks for the noble and loyal manner by which you contribute to the happy event of a negotiation in which the French government has respect only to the advantage of all civilized nations, and to believe the sentiments of the very distinguished considerations with which,

I have the honor to be your devoted servant,

Post Captain Comd. the *l'Artemise*,

(Signed,) C. LAPLACE.

Mr. French of the sub-committee appointed to obtain the signatures of the foreign residents etc. reported that about 130 had already signed and that probably about 200 names would be obtained.

Voted, That the sub-committee be exonerated from further duties.

Voted, That a chief director with four assistants be appointed, with power to organize the foreign residents as a force for mutual protection, and to make such other arrangements as may be necessary.

GEORGE PELLY, Esq. appointed Chief Director.

CAPT. JOHN MEEK, }

JOHN C. JONES, }

WM. FRENCH, }

CHS. BREWER, Esqrs. }

Assistants.

Voted, That a full statement of the proceedings of this committee be ready for the inspection of the foreign residents, at the house of the Chairman, and that due notice be given them thereof; and that they be requested to conform to such regulations as the Director and assistants may think proper.

Voted, That the committee adjourn until such time and place as the Chairman shall deem expedient to assemble them.

Voted, That these proceedings be published in the S. I. Gazette as soon as convenient.

STEPHEN REYNOLDS, Chairman.
C. R. SMITH, Secretary.

Further particulars in relation to this transaction will be learned from an account of the visit of the *l'Artemise* to these islands by Mr. Jarves, a gentleman in no way connected with the mission, published in the July number of the *Hawaiian Spectator*, for 1839.* It will be observed that it contains the treaty entered into by this government with Capt. Laplace, in behalf of France, with such thoughts as would be likely to suggest themselves to every reflecting mind.

Having given a cursory view of the late transactions, we shall proceed to make some remarks on the Manifesto, on the treatment of the Missionaries, and on remarks in the *Sandwich Island Gazette*.

By "the excessive indulgence which the French government has extended towards them for several years," we shall be led to the conclusion that the "ill treatment," complained of has run parallel with the "indulgence," is of the same duration and of several years standing. The particular instances of ill treatment are not pointed out in the Manifesto, but we may safely presume that the transactions of this government in the case of M. Bachelot are the ones particularly alluded to. In order to be able to judge whether in their transactions with M. Bachelot this government was guilty of any aggression upon France in the person of one of its subjects; or whether it did any thing which it is not conceded that independent sovereignties have a right to do, it will be necessary to look at some of the facts in the case.

M. Bachelot with Mr. Short, an English subject, arrived at Honolulu on the 7th day of July. 1827, as Apostolic Prefect of the Sandwich Islands, and a teacher of the Roman Catholic faith. So soon as this was known to the government they "immediately ordered them on board the vessel in which they came, and laid their injunction upon the master to take them away. This injunction he positively refused to obey

* See APPENDIX.

asserting that as they had not paid for their passage he would take them no further."

They remained, notwithstanding the orders of the authorities to the contrary, until the government fitted out a vessel and finally sent them away on the 24 day of December, 1831. The reasons given by the government for sending them away will be found in the following from the S. I. Gazette of Nov. 24, 1838.

"This is our reason for sending away the Frenchmen. In the first place the chiefs never assented to their dwelling at Oahu, and when they turned away some of our people to stand opposed to us, then we said to them, 'return to the country whence ye came.'

At seven different times we gave them that order, and again in speaking to them we said, 'Go away, ye Frenchmen, we allow you three months to get ready;' but they did not go during the three months but remained eight months, saying, 'We have no vessel to return in;' therefore we put them on board our own vessel to carry them to a place where the service is like their own.

Because their doings were different from ours, and because we cannot agree, therefore we send away these men.

(Signed,) KAAHUMANU."
Oahu, Dec. 7, 1831.

Mr. Sumner's Commission.

"I, KAUKEAOULI, king of the Sandwich Islands, and Kaahumanu, and Kukaiini, governor of Oahu, do hereby commission William Sumner commander of the Brig Waverly, now lying in Oahu, to receive on board two French gentlemen and their goods or whatever they may have to bring on board, and to proceed to California, and land them safe on shore, with every thing belonging to them, where they may subsist, and then to return back to the Sandwich Islands.

(Signed,) KAUIKEAOULI, (L. S.)
KAAHUMANU,
GOV. KUAKINI."
Oahu, Nov. 5, 1831.

The second time they (Messrs. B. and S.) arrived from California in the brigantine Clementine, on the 18th day of April, 1837. They landed before their arrival was certainly known to the authorities. "But after such knowledge was confirmed, the Governor ordered such of their effects as had not been sent on shore to be retained on board the vessel, nor were they suffered to be taken from the vessel until it was made to appear that they consisted principally of clothing which needed to be washed." The govern-

ment ordered them on board, and ordered the Captain and Mr. Dudoit the owner, to receive them on board, before any part of the cargo except the deck load, consisting of horses, was discharged. These orders were disregarded, the vessel was fitting for sea and nearly ready when a peremptory order was received from the king to have the men put on board without delay.

“In pursuance of these positive orders an officer of the police with three or four subalterns proceeded to the residence of the missionaries concerned, and told them that the orders of the king were for them to go at once on board.

After waiting upon them with great kindness for several hours without the least violence being used or offered to the last, they attended the officer to the wharf. Before, however, stepping into the boat to which they were civilly pointed, one of them said to the officer, ‘Touch us, touch us’ — which was repeated several times both by the missionary and the surrounding natives or other bye standers; when to avoid importunity perhaps he brushed his hand over the arm of each and afforded instant satisfaction to the missionaries, who without further hesitation, stepped into the boat and were taken along side the vessel.”

The foregoing we believe are the prominent facts of the transactions between the Sandwich Islands government and M. Bachelot.

Whether the government by their refusal to allow him to reside in their territories, or by the measures taken to prevent it, did any thing which an independent sovereignty might not of right do, or any thing which might justly give umbrage to France, we leave to those who are better versed in international law than we are to judge. We have always supposed however that the legitimate executive of a nation sustained a relation to the governed similar to that which the head of a family sustains towards his household. It is his duty to watch over its best interests as the parent watches over the interests of his children. The parent possesses the natural and civil rights to say what strangers he will receive into his

family, or whether any; so it seems to us any government has a right to say whether foreigners may settle in its territories.

The parent, although bound to seek the best interest of his family, has no right to control their consciences; neither have governments any right to control the consciences of their subjects. This political and natural right of independent nations with respect to foreigners, has been acknowledged in theory and adopted in practice, (where it has not been abridged by treaty,) from time immemorial. It is the same principle upon which the French government refused to allow the distinguished philanthropist John Howard, to visit the Lazaretto at Marsailles, (when applied to for that purpose by the British Ambassador,) while in pursuit of the praiseworthy object for which he spent the most of his life, viz: the relief of human woe by the amelioration of the condition of the prisoner — at the same time threatening him with imprisonment in the Bastille, should he make the attempt and be discovered. For this they assigned no reason nor did England require any, upon the principle, no doubt, that France had a right to reject whom she would.

The Am. B. C. F. M. have by their practice acknowledged this right in all their operations, which will be seen by the following extract from the Missionary Herald, Vol. XXXIV. p. 279: —

“There is no doubt a distinction to be observed between the rights of an individual as a citizen and his rights as a foreigner. His freedom to act may be much greater in the one case than in the other. As a citizen he might claim as a right what as a foreigner he must ask as a favor. A citizen of the United States, for instance, who is a minister of the gospel, has a right which no man can gain-say, to preach the gospel in any and every part of our republic, and a native preacher in the Sandwich Islands would have a similar right in his own country. And still it may be true that the government of the Sandwich Islands may lawfully refuse permission to the American minister to settle, or preach or labor in any manner at the Sandwich Islands. That government, and any other, may have an unquestionable right to deny to the stranger what it would not without the violation of natural rights deny to the subject. At any rate, we have asked permission to reside, from the Sandwich Islands government, for each successive company of missionaries, which the Board has sent to those islands, and with the expectation of abiding by the decision. So we have always done by the Indian tribes of our own country. So we have done in Africa. Such has been our usage in In-

dia, and for a course of years we sent no more missionaries to Ceylon, merely because it was forbidden by the government of the island."

To the Am. Board several eminent legal gentlemen are attached, who would be likely to know what were the acknowledged rights of independent nations with respect to foreigners. In accordance with these principles were the opinions of two intelligent foreigners of distinction, expressed to the writer.

In support of the opinions here expressed I shall make one or two quotations from writers on international law. Vattel says, page 231:—

"The Sovereign may forbid the entrance of his territory either in general, to every stranger, or in a particular case, or to certain persons, or on account of certain affairs, according as he shall find it most for the advantage of the state. There is nothing in all this that does not flow from the rights of the domain and the empire. Every one is obliged to pay a respect to the prohibition, and he who dares to violate it incurs the penalty decreed to render it effectual. But the prohibition ought to be known as well as the penalty annexed to the disobedience. Those who are ignorant of it ought to be informed when they make their appearance in order to enter the country."—"The sovereign has a right to forbid all foreigners to pass through or enter his dominions whether by land or sea; without express permission first obtained, even if such passage or entry should not be prejudicial to the state. Now-a-days, however, no power in Europe refuses in time of peace to grant such permission to the subjects of another power, nor is it even necessary for such subject to ask permission to enter a state and bring their property into it. Thus then the liberty of entry and passage may be considered as generally established between the powers of Europe, and it is particularly so among the states of the German Empire. But as this liberty ought not to become prejudicial to the state, every power has reserved to itself the right, first, to be informed of the name and quality of every foreigner that arrives; and to this end, passports taken at the place from whence a foreigner comes ought to be regarded as authentic, provided they have been granted by persons having authority to grant them, such as sovereigns; magistrates, or foreign ministers. Second, each state has a right to keep at a distance all suspicious persons. Third, each state has a right to forbid the entry of foreigners or foreign merchandises of a certain description for a time or forever, as circumstances may require. Fourth, the liberty of entry and passage extends to individuals only."—*American Edition of the new Edinburgh Encyclopedia, Vol. 11th. Page 759.*

In view of the preceding, the question arises, Has this government in its transactions with M. Bachelot transcended its power or exercised any prerogative which, as an independent sovereignty belonging to the family of nations, it might not, agreeable to the principles here laid down, lawfully exercise? We

cannot see that it has, unless it may be by some informality in its proceedings. Again, Has it manifested a spirit of exclusiveness apparently hostile to the French? We have never heard that in ordinary cases it has not treated French subjects with all the respect that was due to the subjects of a powerful nation, or extended to them that hospitality, or that protection according to its power, which is due to all, and which, for aught we have heard, has been received by the subjects of France in common with those of Britain, the United States, and all other nations whose business or pleasure has brought them to these shores. Has this government then been guilty of an aggression upon the rights of the French nation, and is it justly obnoxious to the charge of ill treatment brought against it in the Manifesto? As we before said, we leave it to those better skilled in law than we are, to judge.

The next charge in the Manifesto is a violation of treaty. We are not informed in what particular act this violation consisted, but suppose there is no doubt that the refusal of this government to allow M. Maigret to land from the Europa, in the fall of 1837, is the specific act to which allusion is made. M. Maigret, a Catholic clergyman and French subject, arrived at these islands in the ship Europa, Nov. 2, 1837. The government refused to allow him to land, unless he would give security that he would leave within some given period, and not endeavor to propagate his faith whilst he remained. This he was either unable or unwilling to do; consequently his disembarkation was not allowed, and he left with M. Bachelot on the 23rd, in the schooner Honolulu. The treaty which was supposed to be violated by this transaction was one that was entered into with this government by Capt. Petit Thouars of the Frigate La Venus, and of which the following is a copy:—

TRANSLATION.

Honolulu, Sandwich Isles, July 24, 1837.

Treaty between the King of the French, Louis-Philippe I. represented by the Captain A. Du Petit Thouars, and the King of the Sandwich Islands, Kamekameha III.

There shall be perpetual peace and amity between the French and the inhabitants of the Sandwich Isles.

The French shall go and come freely in all the states which compose the government of the Sandwich Isles.

They shall be received, and protected there, and shall enjoy the same advantages which the subjects of the most favored nation enjoy.

Subjects of the king of the Sandwich Isles shall equally come into France, shall be received and protected there as the most favored foreigners.

(Signed,)

KAMEHAMEHA III.

A. DU PETIT THOUARS.

Captain Commander of the French frigate La Venus.

It would seem that the rejection of M. Maigret by this government, was an infraction of the letter of the treaty according to the natural interpretation of the language used, because he did not come and go freely. But he did come and go as freely as any subject of the most favored nation would have done under similar circumstances.

Vattell says, p. 317:—

“Every interpretation that leads to an absurdity ought to be rejected, or in other words, we should not give to any piece a sense from which follows any thing absurd, but to interpret it in such a manner as to avoid an absurdity.”

Now to suppose that the right of free entry and passage was designed to be extended to all, without respect to character, would be to give the treaty an interpretation, which would lead to an absurdity. If free entry was granted and protection extended to all of any nation, without respect to character, such nations could plant convict colonies in these islands, and they might be filled with the refuse of any or all nations with whom they had treaties, and there would be no redress. Who would say that this was not an absurdity, and in nowise contemplated by either of the contracting parties?

We have no reason to suppose that Com. Du Petit Thouars, who negotiated the treaty in behalf of France, wished it to be construed in such a manner as to force upon this government, against their will, teachers of the Catholic faith. Else why did he not seek to have the obligation which he had given to the government, that M. Bachelot should leave, annulled? All that he probably sought to secure was to place the subjects of France upon the same footing as those of the most favored nation in their in-

tercourse with these islands. We here insert the document alluded to.

TRANSLATION.

Honolulu, July 21, 1837.

The undersigned Captain of the ship, commander of the French Frigate La Venus promises in the name of M. Bachelot that he will seize the first favorable opportunity which offers to quit these islands to go either to Manila, Lima, Valparaiso or any civilized part of the world, and in case such an one is not presented, on the arrival of the first French man-of-war which visits these islands, he shall be received on board. In the mean time M. Bachelot shall not preach.

A. DU PETIT THOUARS.

Post Capt. Commander,
French frigate La Venus.

With the facts and documents before them, the public will judge how far the government were worthy of chastisement for their delinquency in this transaction. If they have violated the treaty, it was rather a mistake than an intention to commit an aggression; and in the whole transaction they relied chiefly upon the opinion of an intelligent foreign gentleman, who was at the islands a little previous to the transaction. We do not understand that he advised them, but that he kindly expressed his opinion of the course it would be proper to pursue.

The next charge which we shall notice is, that to tarnish the Catholic religion with the name of "idolatry was to offer an insult to France and to its sovereign."²³

That to call the Roman Catholic religion idolatrous should be considered a national insult offered to France, is a doctrine as extraordinary as it is new in this enlightened age. If it was carried into general practice, France would at once find herself involved in war with every Protestant government on earth, and every country in which Protestantism predominates, as all or nearly all Protestants from the days of John Huss, and Jerome of Prague, Wickliff of England, Luther of Germany, Calvin of France, and other prominent reformers of that age down to the present day, have agreed in calling the use of images as it exists in the Roman Catholic church, Idolatry. Dr. Scott, one of the most approved writers of the esta-

blished church of England calls it so, in numerous instances in his commentary on the Bible. And every intelligent Protestant and Catholic knows that Protestants view the subject in this light. Does France consider such an expression of their opinions by Protestants an indignity offered to her, which she is called upon to avenge and which would justify her in waging war with Great Britain, Holland, Prussia, Denmark, Sweden, a majority of the German States, and the United States, as well as others? Does she shut the mouths of her own numerous Protestant subjects for using their liberty of speech in publishing freely their religious sentiments? Certainly not; and we suspect had Captain Laplace been as well acquainted with the writings and theology of Protestants, as we doubt not he is with his profession, he never would have introduced the extraordinary charge that to tarnish Catholicism "with the name of idolatry," "was to offer an insult to France and to its sovereign."

We know that when the crusades were preached against the Waldenses and Albigenses of Toulouse and other parts of the south of France, and during the reign of Louis XIV. when the protestants were dragooned and driven from the kingdom by thousands, (although it was through their influence that he received his crown,) also during the early stages of the reformation when the famous massacre of St. Bartholomew took place, (in which 70,000 are supposed to have been slain in one night,) such an expression of sentiments would probably have been visited upon him who dared to utter them, by speedy and signal vengeance, if the power had not been wanting; but we supposed such days had gone by.

The next and last charge brought against the government which we shall notice is a violation of the laws of nations in the exercise of intolerance and persecution, with the assertion that toleration is the usage of all civilized nations.

Now we object to the statement that every civilized nation does "permit in its territory the free toleration of all religions," as being at variance with fact. The writer saw it stated in some public journal, that

a British subject was in prison in Portugal, for an attempt to circulate the Bible, but was about to be released upon the intercession of the British Ambassador. We shall here introduce some extracts from public journals to prove the truth of our assertion.

“The correspondent of the Commercial Advertiser, writing from Paris, Dec. 5th, furnishes the following sketches:—

The good King of Holland is busily engaged in persecuting some of the best subjects that he has, because they wish to serve God according to the dictate of their own consciences, while Frederic William of Prussia has been lately handling in a very rough and altogether unjust manner the old Arch Bishop of Cologne. How greatly it is to be regretted that the powers that be in this part of the world cannot or will not learn what liberty of conscience is. At the same time the king of Sardinia is endeavoring to kindle again the flames of religious persecution in his petty dominions. The few Protestants who are still in the Mountains of Piedmont, the remains of the Waldenses, seem doomed to be extirpated, if indeed any thing can destroy that martyr people. Even the French and English can hardly live in the frontier city of Nice, because forsooth it has been lately discovered that they sometimes have given copies of the Bible and religious tracts to people who desire to obtain them.” — *New York Observer*, No. 767.

“When I consider that I can scarcely name an individual in Cadiz, (true there is one exception,) be he native or foreign, who would co-operate with me in distributing the bread of life contained in the holy scriptures, and that on the contrary an individual engaged in that pious act has of late actually been held up as a subject for proscription and persecution by the Bishop of the city, when I consider that the authorized agent of the London Bible Society at Madrid has only a short time since been imprisoned, it requires no small degree of moral if not physical courage to place ourselves against the stream of Romish bigotry and authorised intolerance.” — Letter from a gentleman in Cadiz to the Cor. Sec. of the Am. Bib. Soc. June 27, 1858. *New York Observer*, No. 801.

“The Papal government of the Philippine Islands will not permit our labors, and the Dutch rulers of Netherlands, India, have taken the extraordinary ground for a Protestant Christian government, of shutting out the missionaries of all Christian nations except their own from every part of their dominions save Batavia, and the Island of Borneo.

It is only under English power that we find full toleration and protection for all; but their authority in the Indian archipelago is limited to a very small territory.” — REV. R. ANDERSON, in *New York Observer*, No. 809.

Italy. Tract distribution punished.

“Paris, Oct. 30. — Sometime since a Protestant minister M. Pache Pergeret of Merges was arrested at the Baths of Aix in Savoy for the distribution of religious tracts. Notwithstanding bail was offered to any amount for his appearance he was detained in prison. At length he has been brought to trial before the senate at Chambéry and condemned to a year's imprisonment

and to pay costs of suit with a fine of 100 golden scuddi (each worth from 80 to 100 francs according to locality.) The account of this infamous proceeding adds that the penalty would have been more severe had it not been for the intercession of persons of high rank, coupled with the fact that this respectable minister was brought up by the same pastor and Protestant Professor as the present king of Sardinia. — *New York Observer*, No. 812.

“*Religious Processions in France.* The correctional police tribunal of Amiens have just condemned three young men to twelve days imprisonment for not taking off their hats upon the passing of a religious procession, under the plea that this offence came under the head of disturbing the free exercise of the religious rites of the country.” — *Gazette de France*, quoted by the *N. Y. Mercury* of Nov. 2, 1837.

“From the Baltimore Literary and Religious Magazine.

Papal decree of 1837, against Infant Schools. The congregation of the Supreme Inquisition have addressed the following circular to all the Bishops of the states of the church. We copy it from the Italian Journals.

“Most Illustrious and Reverend Lord; — The supreme congregation knew that exertions were making to introduce into the Pontifical states, the schools called, “Free Schools,” or sales de asyle, for children of both sexes, and that books containing a little form of instruction had been printed and circulated which are not edited in the truly catholic spirit which ought to preside in the formation of the first ideas of the mind and the first feelings of the heart.

My colleagues the eminent Inquisitors General having given attention to this interesting subject have thought that it would be a thing full of danger, to say nothing more, to permit the introduction of the said Infant Schools in the Pontifical states. They have therefore thought proper to forbid them, and to communicate this determination to all the Bishops. This step has been fully approved by His Holiness. Your most holy and Reverend Lordship, in case any person shall endeavor to establish in your diocese schools on the plan of Infant Schools, will employ all your zeal and care to prevent their formation.

I respectfully kiss the hand of your Lordship, and remain,
your most devoted servant,
(Signed.) CARDINAL ODESCHALCHI.

— Rome, August 10, 1837.” — *N. Y. Evang.*, 414.

“*Persecuted Lutherans.* — The *N. Y. Star* gives extracts from German papers which mention the arrival at Berlin of a number of emigrants all rigid Lutherans, formerly composing the congregation of the Rev. Mr. Schirhel, against both whom and his flock the military were turned out. They were bound to Hamburg thence to America, where they had been preceded by agents to purchase land as they are not without resources. They emigrate to preserve the true faith, and in this feature resemble the pilgrims of old, who left England and then Holland to come to this country to preserve the liberty of conscience.” — *N. Y. Evangelist*, 443.

We see by the foregoing extracts that toleration is not the usage of all civilized nations; and we shall now introduce a quotation to show that it is not re-

quired by the written precept of international law. Vattel says, page 218:—

“It is then certain that no one can interfere in opposition to the will of a nation in its religious affairs, without violating its right and doing it an injury. But it is an office of humanity to labor by mild and lawful means to persuade a nation to receive a religion that is believed to be the only one that is true and salutary. Missionaries may be sent to instruct the people, and this care is altogether conformable to the attention which every nation owes to the perfection and happiness of others; but it must be observed that not to do any injury to the rights of a sovereign the missionaries ought to abstain from preaching clandestinely, or without his permission; a new doctrine to his people. He may refuse to allow them the liberty of discharging their office, and if he orders them to leave his dominions they ought to obey. They have need of a very express order from the King of kings for disobeying lawfully a sovereign, who commands according to the extent of his power; and the prince who shall not be convinced of this extraordinary order of the deity will do no more than exert his authority by punishing a missionary for disobedience.” —“Again, when a religion is persecuted in one country the foreign nations who profess it may intercede for their brethren, but this is all they can lawfully do unless persecution be carried to an intolerable excess. Then indeed it becomes a case of manifest tyranny in which all nations are permitted to succor an unhappy people. A regard to their own safety may also authorize them to undertake the defence of the persecuted. A king of France replied to the Ambassador, who solicited him to suffer his reformed subjects to live in peace, that he was master in his kingdom. But the Protestant sovereigns who saw a conspiracy of all the Catholics obstinately bent on their destruction were also masters with respect to the succoring men who might strengthen their party and help them to preserve themselves from the ruin with which they were threatened.” — Vattel, 219, 220.

By the foregoing we see that by the laws of nations toleration is neither demanded by the precept or adopted in the practice of civilized nations; that it is not the universal usage of civilized nations as stated in the Manifesto, and that a departure from this practice is no violation of international law; and that by such departure the government of the Sandwich Islands have committed no aggression upon the rights of other nations, and are not justly answerable to them. We see that intolerance and persecution do exist to a considerable extent in several of the civilized nations of Europe and their dependencies. Spain, Portugal and Italy are obnoxious to this charge; and in the Dutch Dominions, Prussia, and even France, free toleration in the fullest sense of the word is unknown; and perhaps so of some others. In France we believe that no religious test is required as a qual-

ification for office, that a man's faith forms no barrier to his rising to the highest offices of government, and that it is the wise and humane policy of government to grant free toleration to all religions, and we are glad to be able to say that one at least of her brightest ornaments and most talented statesmen, (M. Guizot minister of public instructions,) is a Protestant deeply interested in the circulation of the scriptures through France in the vernacular tongue. We know not but there may be others, we hope there are. But whilst such is the just policy of government, still the Roman faith predominates, and so great is its predominance in some departments, that even the legal tribunals, urged onward by the irresistible tide of public opinion, are led to condemn people to imprisonment for not taking off their hats upon the passing of a religious procession under the absurd plea, "that this offence came under the head of disturbing the free exercise of the religious rites of the country;" and thus the just intentions of her liberal policy are not fully realized. Our remarks on this subject are not made to justify the Sandwich Islands government, in any intolerance or persecution which it may have exercised. We deeply regret that such a charge may be justly brought against it, and we would no sooner justify or vindicate the Sandwich Islands government for intolerance and persecution, than we would the liberal and enlightened governments of Europe. We are utterly opposed both to the principle and the practice, wherever it may be found. Our sentiments are for universal, full and free toleration, on all subjects of conscience. If however any apology could be found for intolerance and persecution, it would most certainly be for that people just emerging from a state of rude barbarism, and not for those nations who had enjoyed the light of religion and science for ages. Our object is to show that the Sandwich Islands government, in a departure from a liberal and tolerant administration of its domestic affairs, has not violated the precepts of international law, and that its practice has not varied from that of civilized nations.

We here insert facts in relation to the persecution,

(which have been collected with care and are believed to be correct,) that the public may be able to judge for themselves whether it has been carried to such an "intolerable excess," as to render such interference as has taken place justifiable.

It is proper here to say that the king issued orders on the 17th of June, 22 days previous to the arrival of the l'Artemise, that no further punishment should be inflicted, that the chiefs should confine themselves to the use of moral suasion in their efforts to reclaim the Roman Catholic proselytes, and if any were confined or laboring, they should be set at liberty. If any suffered after this, it was without his knowledge or consent.

Statistics in relation to the persecution of the Catholics.

Thirteen men and fifteen women have at different times been punished for the practice and propagation of the Roman Catholic religion. The usual punishment has been a short imprisonment and labor for a period of about four months. Several recanted and were discharged before the term of punishment expired.

One man and his wife were imprisoned at night, and made to perform the office of scavengers to the fort during the day for the period of more than a year.

Another man for two or three months suffered the same punishment. They were then with several others placed on land, under a head man, where they were employed somewhat on the terms of common serfs, but more severe, for more than a year.

The kind of labor usually performed by this class of prisoners has been making stone-wall and cutting stone by the men on the sea shore, making mats by the women, and labor on land. None have ever wrought on the road; many more have been called up and conversed with and discharged without punishment. We cannot learn that any corporeal punishment has at any time been inflicted by order of government.

We cannot but feel deeply pained that such occur-

rences as the above should ever have taken place, and if in other respects than the exercise of the Romish faith the sufferers were good subjects and this government had persisted in such a course after expostulation, then we conceive foreign interference would have been justifiable; but we have already shown that previous to the arrival of the *l'Artemise* the exercise of Roman Catholic worship had ceased to be penal, and consequently, no necessity for interference existed in the case.

We now propose to offer some remarks on the clause in the Manifesto, "Misled by perfidious counsellors," and again, "led on by bad counsellors."

Who these perfidious counsellors are is made plain by the last clause of Captain Laplace's communication to the American Consul, already inserted. We see by that, that they are the Protestant clergy or members of the American Mission. Here then are forty American citizens scattered through all the Sandwich Islands, pursuing peaceably their avocations, with protections from their government, charged with the violation of their neutrality as American citizens by acts of hostility to the French government, and without a hearing publicly condemned by an officer of the French navy, their possessions exposed to plunder, and their families to violence and death.

The particular acts as far as we can infer from the general charge of directing the counsels, influencing the government, and being the true authors of the insults charged upon this government by France, must be those which have been considered in the preceding pages, viz: sending away M. Bachelot;—rejecting M. Maigret;—tarnishing the Catholic religion with the name of idolatry;—persecution and intolerance.

In regard to the two first, the missionaries individually or collectively never gave any advice upon the subject at all, either for or against the measures. They doubtless had their opinions upon the subject and if they were asked of any one, they were doubtless freely expressed; but probably the majority never had their opinions upon the subject inquired into. Most likely all would have doubted the good policy of send-

ing away Mess. B. and S., as this government was so impotent. But were she ever so powerful some would have doubted the moral right, unless their instructions led to seditious practices, in which case all good citizens and friends of order and civil government must have agreed that the step was proper; probably none of them would have doubted the civil right agreeable to the usages of nations. But we wish it to be distinctly understood that they claim the right inviolable and inalienable to think, speak, and write their opinions freely upon whatever subject they choose, amenable only to the laws for the abuse of that right. It is not because they had not the right, that the many and grievous charges brought against them have remained unnoticed. It is because their work was too important, and their time too valuable to be spent in refuting charges which have generally been so virulent as to carry their refutation along with them, to every candid mind.

To the second charge, we suppose that the missionaries have taught, that the worship of images, whether in the Catholic church or out of it, is idolatry, if they have taught any thing about it.

The writer for himself is not aware that he has said any thing special upon the subject of idolatry in the Catholic church, but he most certainly believes it, nor has proscription, with the declaration that to publish such a sentiment is to offer an insult to France, in the least tended to convince him that it is incorrect. Such an argument, addressed to the fears, may compel but cannot convince; and he deems it quite as unsound when applied to American citizens, with proscription and a man-of-war to back it up, as when applied to the subjects of the Sandwich Islands government, backed up by the fear of labor and imprisonment. Neither can he see any more reason why France should take exception at his speaking his mind, than that England and every other Protestant country should take umbrage because French and all other Catholics denounce them as heretics.

To the fourth charge of intolerance and persecution, we have already said that the missionaries were in favor of toleration, full and free, every where, in all

matters of conscience; as for persecution they are and always have been its decided enemies; they have never sanctioned it in any manner, and most deeply regret its ever having existed in these islands. Most of them were strangers to the fact. It was known to have the decided disapprobation of all, and when by any means it reached the ears of any it was made the subject of earnest remonstrance. They do indeed deprecate the entrance of catholicism into these islands, because they believe it to be a deadly error, but at the same time they believe that the only proper weapon with which to fight error, is the word of God — the Sword of the Spirit.

These then are the grounds upon which their condemnation has gone forth, they plead guilty only as far as expressed in the foregoing. But they are not called upon to plead at all, or allowed the opportunity, or even so much as to hear the crimes wherewith they are charged, until they see them registered in the sentence. Had they all been guilty, condemnation without trial would have been most unjust. Had there been a possibility that one was innocent, the injustice would have been aggravated. But whilst there was a probability that not one could be convicted upon credible testimony, with a fair and impartial trial, the act becomes one of the most glaring acts of injustice of which we have any knowledge.

Had they violated their neutrality they should have been indicted and tried; and if convicted have suffered the penalty for a violation of neutrality, according to the degree of guilt. Had they been taken by the French on hostile ground with arms in their hands, not in actual war, they had still been entitled to trial, before they could properly have been detained as prisoners of war. But their being publicly proscribed, as they were, was to point them out as criminals whose death would give satisfaction.

We will now look at the probabilities of their guilt. Of the proscribed, twenty-seven had not come to the islands at the time M. Bachelot was first sent away, and four more had been here but a few months; fifteen and their families and two single ladies arrived but a few days previous to his being put on board the Clem-

entine, strangers to both foreigners and natives, and unacquainted with the language. In a few weeks they were dispersed over the islands. M. Maigret arrived Nov. 2nd, and the intelligence that he was expecting to come arrived but a few days previous. From the circumstances of most of the mission, they could not have been informed previously to his arrival that he was expected, and as little was said about the transaction at the time, many of them, doubtless were uninformed altogether upon the subject. One such the writer has conversed with, who, till the present excitement, had not heard of the transaction. With these facts before them the public are left to judge how far a large number at least can be obnoxious to the charge so indiscriminately brought against the missionaries by the French commander, and upon which he proceeds officially to proscribe, and in the probable event of war to deliver them and their families up to its calamities.

In relation to this affair we extract the following from the Sandwich Island Gazette, of July 27, 1839:—

“We cannot believe it possible that Capt. Laplace would have identified the *Protestant clergy* at the Sandwich Islands with the native population as the enemies of France without the most positive proof of that fact. If he had any doubt on the subject, he never would have permitted that accusation to have made part of his Manifesto. He did (convinced as he was) what he will be justified in having done by the laws of nations and by numerous similar examples already upon the pages of history.”

We cannot well conceive what degree of evidence would be necessary to justify an officer of any government to condemn and as far as in him lies give up to execution a whole community of the subjects of any other government on terms of peace and amity with his own, unheard and without trial. Let this usage generally prevail and no foreigner could feel or could be safe in a foreign land. For instance, let a French subject sojourn at the Society Islands; Great Britain for some alleged offence declares war with the Society Islands, she sends a man-of-war to obtain redress, and the Captain declares that the Frenchman has been the cause of the offence, and points him and his family out as peculiar objects of vengeance; he enjoys

not the benefit of trial. Would France refuse to notice his wrongs because forsooth a British Captain has seen fit, upon his mere arbitrary will, to say the Frenchman has caused the trouble. No; and such a procedure would be an outrage upon the laws of nations. Even the goods of neutrals found in an enemy's country are to be respected as far as practicable in a state of war, when once proved to belong to a neutral. How much more then the person of a neutral, until proved guilty of aiding the enemy.

We are sorry that the descendant of a British or American freeman can be found so fallen as to defend such unjustifiable conduct. He must have forgotten those great bulwarks of British liberty secured by our fathers for themselves and posterity upon which British and American law is built—the magna charta which secures trial by jury to all, whatever be their crimes; writ of habeas corpus, and liberty of the press; that the French also grant trial by jury. For his benefit and that of all who have forgotten that freemen have rights, and are dreaming that we live in by-gone ages, when men were permitted to wear their heads merely by the sufferance and kindness of some despot, we will make some quotations which will help to remind them that we live in an age of laws.

And first; the habeas corpus, which was finally established in the 30th year of Charles II., is a writ issuing from the Court of the King's Bench, by which

“The officer or keeper is required within six hours to deliver to the prisoner on his demand a copy of the warrant of his commitment, under the penalty of £100 and being disabled to hold his office. In the next place, no person once delivered by a writ of habeas corpus shall be recommitted for the same offence under the penalty of £500 sterling. Every person committed for treason or felony shall, if he require it, in the first week of the next term or the first day of the next session be indicted in that term or session, or else admitted to bail. If acquitted or not indicted he shall be discharged. Any of the 12 Judges or the Lord Chancellor refusing a writ of habeas corpus shall forfeit £500. In the last place, no subject of England shall be sent prisoner to Scotland, Ireland, Jersey, Guernsey or any other place beyond the seas; under penalty to the party committing and to all who assist or advise, of forfeiting £500, to be recovered with treble costs, being disabled from holding any office, being imprisoned for life, forfeiting his whole estate for life, and being incapable of the king's pardon.

Such is the nature of the habeas corpus, a most invaluable security for the personal liberty of the subject, a security which is enjoyed under no government on the face of the earth but our own.” — “The only exception to

the general liberty of the subject under the British government is the power of impressing seamen by the king's commission for the supply of the navy."

"Another of the highest privileges of the British subject is the trial of all crimes by jury."

This is of Saxon origin and of ancient date, was partially secured in the ninth year of Henry III. but more firmly in A. D. 1215, in the reign of king John, when he could no longer avoid it without the probable loss of his crown.

"At Rummymede between Staines and Windsor, a spot which will be deemed sacred to the latest posterity, solemn conference was held between John and the assembled barons of England, when, after a very short debate the king signed and sealed that great charter which is at this day the foundation and bulwark of English liberty, MAGNA CHARTA." [This was confirmed by Edward I. A. D. 1283.]

One clause in this instrument reads thus:—

"No free man shall be taken or imprisoned, or disposed of his free tenements or liberties, or outlawed or banished, or any way hurt or injured, *unless by the legal judgement of his peers or by the law of the land.*"—"The preliminaries to trial are different in England and Scotland. The number of jurors are different; 12 in England and 15 in Scotland. Unanimity of opinion is required in the former. A majority of voices is decisive in the latter. In both modes of trial it is the privilege of the criminal to be judged by the impartial verdict of his peers. The prisoner has even a share in the choice of his jury, for the law has allowed him the right of challenging or objecting to such as he may think exceptionable."

"In England the prisoner may challenge peremptorily, that is without shewing any cause, twenty jurors successively. The witnesses upon the trial deliver their evidence in presence of the prisoner, who is allowed to question them and to produce witnesses in his own behalf. In cases of treason the accused person may challenge successively thirty-five jurors, he may have two counsels to assist him on his trial, and no treason, unless actual attempt upon the life of the king, can be prosecuted after three years from the offence."

"The opinions of the judges in summing up the evidence have no weight but such as the jury choose to give them, and their verdict ought to proceed entirely on their own belief and conviction. Lord Chief Justice Hale, has in his History of the Common Law of England, summed up in a very few words the duty and powers of a jury."—"The jury in their recess are to consider their evidence, to weigh the credibility of witnesses, and force and efficacy of their testimonies; they are not bound to the rules of civil law to have two witnesses to prove every fact, unless it be in cases of treason; nor to reject one witness because he is single, or always to believe two witnesses, if the probability of the fact does upon other circumstances encounter them. It may fall out that a jury upon their own knowledge may know a thing to be false which a witness has sworn to be true, or may know a witness to be in-

competent or incredible though nothing be objected against him, and may give their verdict accordingly."

"The effect of the verdict of a jury is final and positive. If the prisoner is acquitted he is instantly set at liberty, and cannot on any pretence be tried again for the same crime. If found guilty the judge must pronounce sentence according to law. But this law must contain a positive enactment with regard to the special crime which was brought before the jury, for in crimes no constructive extension of laws can be admitted.

"The spirit of our laws considers the impunity of an offender as a very small matter in comparison with the dangers that would result from such extension.

"The last particular I shall take notice of and what is in fact the guardian of the British constitution is, the *liberty of the press.*"

"To supply the unavoidable deficiency of all legislative provisions, to prevent the silent deviations of magistrates from their duty, (transgressions the more dangerous that no punishment can reach them,) and to be a constant check upon the minutest departments of the constitution as a pendulum regulates the equable motions of all the wheels of a clock, there is one power in the British government whose exertions are constant and unremitting, a just regulator of the whole parts of that nice and complicated machine. This is the power which every individual has of expressing his opinion of the whole conduct of government without reserve by word or writing, a power which is so regulated, however, as to secure all the benefit of the the ancient censorship without its mischiefs. The censorial tribunal at Rome was entirely arbitrary which repressed all freedom of judgement in the public, or at least rendered it of no consequence, since the regulation of government was supremely lodged in the breasts of a few men with whom that judgement could have no effect. But a British subject has the right of free judgement on all public measures, of remonstrating to his governors, of carrying his complaint and his appeal to the public by means of the press, of submitting to the general opinion the views and principles of these governors expressed in parliament, and thus by openly examining and scrutinizing their whole conduct to furnish the most powerful restraint against every degree of malversation. It is peculiar to the British government that there is no person so high in administration as not to feel the weight of public opinion.

"The loss of popular favor to a statesman will furnish such opposition to his measures as to gall and embitter every hour of his life. Even the taunts, the curses or the hissings of the vulgar there is no man whatever that can long support with any degree of tranquillity, and when he considers that not only his present fame is at stake but also his memory, to the latest posterity, by means of the press, he will soon find that he is irresistibly and most powerfully restrained within the bounds of his duty.

Upon these bases are raised the laws of the United States, and such are the great palladiums of British liberty which have been rearing for ages by the watchful jealousy of British freemen; and these the Gazette would aid in sweeping away, by justifying the arbitray condemnation of freemen without trial. Is there danger, in allowing an extensive construction of criminal law, so great that a whole nation would

prefer that the guilty should go unpunished? And is there no danger in such a precedent as this? What would the writ of habeas corpus and liberty of the press be worth, once take away the right of trial? There is no crime so great, and no circumstances so peculiar that it may in justice be denied.

American citizens taken in Canada in arms against the British government, were not denied it, nor trial by jury; and there are none but despots and barbarians who do deny it; and woe to the man who may have this sacred right torn from him, or trampled upon with impunity. He has no further security for life or property.

Will it be inquired, "What has British law to do with this subject?" We reply, much. It is based upon the inviolability of human rights; these rights cannot be alienated by a change of place or circumstances. They are universal and inalienable, and where they are not enjoyed, it is because despotism reigns. What are the laws of nations but rules of action to secure the equal distribution or administration of justice in the community of nations, and between the subjects of different governments; and which of the nations would wish to establish the rule by precedent or otherwise, that a subject might upon his own authority, declare the weaker subjects of neighboring nations guilty of any crime he might choose to bring against them, and without trial or hearing and with impunity condemn them to whatever punishment he might see fit to inflict? If the principle is sound in national intercourse, it is sound and may properly be introduced between subjects of the same government. We think even the Gazette would not advocate its introduction into any community where its own personal interests would be likely to be affected by it.

We will here insert a passage from the Gazette of July 1, 1837, probably by the same writer, by way of commentary on the preceding quotation.

"We wish, however, to be distinctly understood that we disavow in toto, the right of this government to banish in the first place these men without trial or accusation."

Now about whom are these remarks made? About foreigners, Catholic clergymen, whom the government without any injury to life or limb, chose to deny the privilege of settling in their territories and propagating their faith, because it was their choice that it should not be propagated. It seems, then, that the writer was shocked at the thought of their being rejected without first being tried; and yet he now supposes that all civilized governments will justify, not the rejection without injury, but the absolute proscription and condemnation of forty freemen, with their families, to fire and sword without trial!! Great indeed must have been the change in his views! The wheels of time with him must have had a very rapid retrograde motion; for in the short space of two years, he seems to have been carried back centuries, and imbibed the spirit of those ages of darkness and despotism, when men were condemned and executed without trial or even accusation, and whose enormities are only remembered with horror, as they are recorded on the pages of history and held up for a beacon to others to beware. Or perhaps the change has not been as great in his views as one would be led to suppose. Perhaps it was not the principle of impartial trial's not being extended to all, which excited his sensibilities; but that it should not be extended to particular persons, who thought and felt as he did. If, then, the two Catholic missionaries had been in the place of forty Protestants, condemnation without trial would have been justifiable; but if the forty Protestants were changed into two Romanists, it would have been shocking to humanity, and they would have had his warmest sympathies.

We are told that the conduct of Capt. L. will be justified "by numerous similar examples already on the pages of history." The writer has not pointed out any of the numerous similar examples, but we know of no enormity so great but a precedent may be found for it on the pages of history. The pages of history teem with the record of crime, injustice, usurpation, cruelty, and the violation of natural and civil rights, by tyrants; and we doubt not that amongst them many might be found bearing some analogy, if not very

similar to the present case. We think the following analagous in many respects:—

A wicked counsellor of a Persian monarch by false accusation obtained a decree to be issued, that all the Jews throughout his vast dominions should be slain. Thus a numerous and useful class of his subjects were without trial decreed to execution.—So, throughout all the islands of this kingdom, the missionaries were condemned to suffer the calamities of war without a hearing. Such acts of tyranny were peculiar features of ancient despotisms, more especially those of oriental countries. But, happily, such examples are not frequent in modern European history, and as the darkness of past ages has rolled away they have become less and less so; and no European power has for many years past been accustomed to condemn individuals not found in arms in time of war, (and not often then when there is no resistance,) much more whole communities belonging to a neutral and friendly nation, without trial. Turkey, we know, forms an exception to the onward march of civilization in European nations, and thousands of heads have there found their way into the Bosphorus without their owners ever being permitted to answer to the crimes laid to their charge, and the executioner is often the person who announces to them the charge brought against them, if announced at all, when he calls to perform the functions of his office; but we doubt if even there, the sultan has dared to make such free use of the heads of the subjects of a friendly government very often, and we hope it will be long before the civilized world will search for such examples to justify similar conduct. The Gazette says:—

“We have heard that the members of the *Protestant mission* feel indignant at the exception that was made to them by Capt. Laplace in the protection he offered to the foreign residents at Oahu, and in consequence that they intend making a protest and forwarding it to the government of the United States.

We hope they will not be so unwise as to resort to a measure so ridiculous in order to substantiate their innocence, such a document would meet but a poor reception at the city of Washington. If they have been wronged, in the spirit of Christianity let them bear it with meekness. All the proof that they can produce from native testimony that they have not been the advisers of this people in their acts of persecution against the Catholics will avail

nothing. By the disinterested and enlightened of other nations it will receive no credence. By their lives and conduct hereafter they will alone be enabled to convince the world if they have been misjudged without reason or censured without cause."

The members of the Protestant mission do feel that injustice was done them, and that they have reason to complain of the exception made by Captain Laplace. They are aware that Capt. Laplace was under no obligation to extend the offer of protection to them or any other foreigner, nor would they have asked protection at his hands, or accepted it had it been offered; but as he publicly extended this protection to all with the before-named exception, it would have had all the effect of a public proscription, and such virtually it was. But he did something more than to make this exception. He adjudged their case, condemned them upon *ex parte* testimony, and publicly declared them the enemies of France, without hearing or trial, or in any way specifying to them in what their crimes consisted, any further than what they might infer from the very general charges of "insidious counsellors," etc.

The missionaries know that they have a perfect right both civil and moral to protest if they choose, and it is doubtless their duty to remonstrate against lawless injustice. Paul appealed unto Caesar, and the Savior when unjustly smitten remonstrated against the injustice: "If I have spoken evil, bear witness of the evil; but if well, why smitest thou me?" As to the reception of their protest at Washington, should they see fit to make one, they have no especial concern. They have no evidence that the U. States government does not regard the welfare of its citizens wherever they may be, nor that it is indifferent, when that great bulwark of the personal liberty of its subjects, a trial by jury, is torn away from them. As to the measure's being "ridiculous," they know of no other earthly shelter from injustice than an appeal to their country; and they can conceive of no other reason why they should have received protections from their government, than simply the security of rights belonging to them as American citizens. If then it is ridiculous to appeal from injustice, it was ridiculous to

grant them protections, as they could be no possible security against it. To suppose that it would be "unwise and ridiculous" for the missionaries to appeal to the government of their country, would be to impeach its justice; inasmuch as it presupposes that the government would sanction an outrage committed upon its subjects without inquiry or investigation. Not long since M. De La Fluchelle, the French Vice Consul at New York, procured warrants for the arrest of two men alledged deserters from the French marine. But instead of bringing them before the American courts for examination, they were carried on board the frigate Didon, which sailed immediately for France. A warrant was issued for his arrest. He surrendered himself to the authorities, and was admitted to bail in the sum of five thousand dollars.

A few months since two American citizens were murdered on the coast of Sumatra, and a frigate was immediately despatched thither to make inquiries and obtain redress.

The first of these examples shows that Americans have some regard to human rights, that they are not entirely indifferent to any one's being deprived of trial, and condemned without a hearing;—that even the accredited officer of a foreign government may not deprive his own countrymen of this invaluable safeguard to liberty with impunity within their jurisdiction. How then can it be supposed that they will allow forty of their fellow citizens, *natural born citizens*, representing nine or ten States and three-fourths of the population of the United States, to have this injustice extended to them without deigning to inquire wherefore.

We learn from the last example that American citizenship is designed to be of some value as a protection; that it is required to be respected; that her protections are not granted in vain, and that if they are violated she will demand the reason. The missionaries wish no war to be waged and no lives to be sacrificed on their account; sooner would they submit not only to have their rights violated as they have been, but to have that violence consummated by the destruction of their lives, as it was likely to be in the recent

events. But they do seek protection from future lawless injustice, and these examples are given to show that the U. States government and people are not so recreant to justice as the writer seems to suppose them to be — that they do regard the right of trial as of inestimable value, and are not indifferent to the violation of the rights of American citizens in foreign lands; that there is not evidence sufficient to render them obnoxious to this charge, which they certainly would be were they so regardless of injustice done to their subjects and fellow citizens as to render it “ridiculous” to remonstrate against it with the hope of redress — and therefore it may not be as “ridiculous and unwise” to protest against the violation of those rights and pray for protection, as he seems to suppose.

As to the exhortation to meekness and forbearance, we acknowledge them to be cardinal and precious virtues, but there is a limit beyond which even forbearance may not go, or injuries be silently submitted to without danger to the community. If a man jeopardizes my life frequently and I have no evidence of his repentance, it becomes my duty to report him to the magistrate as a dangerous man to the community. By a longer forbearance I jeopardize the public peace and safety, and, hence, it becomes my duty to report him.

We are told that native testimony will not be received in substantiation of the mission’s innocence by the disinterested and enlightened of other nations. What will the disinterested and enlightened of other nations think of condemning freemen without any hearing or trial at all? The law supposes every man innocent until he is proved guilty, and the mission cannot believe it necessary to produce testimony of any kind to substantiate their innocence until some has been presented to the disinterested and enlightened of other nations to prove their guilt. We imagine from the very nature of the case that it would be found exceedingly difficult to prove a man guilty of directing the councils of a nation whilst he was yet a schoolboy many thousands of miles distant, or even had he just landed on their shores, a stranger to them and their language, which was the case of many of

the proscribed. No; these transactions are not for enlightened and just men, nor for enlightened ages. They are well adapted to the ignorance and tyranny of the darkest of the dark ages of Europe before the people had learned their rights or begun to assert them.

The transaction is too dark for even this half civilized and isolated corner of the earth; for even here it is not customary or lawful to condemn the most common native to suffer the lightest penalty of the law, without some form of trial.

We will now introduce an extract from the Gazette of May 27, 1837, probably from the same pen.

“Can it be supposed that the violence and cruelty which has been extended towards a subject of chivalrous France, when it shall reach the ears of her monarch, will be permitted to rest for a moment unavenged? Can it be credited that the injury and wrong which has been inflicted on a citizen of the U. States when it shall be known in the council chambers of her legislators will repose there for an hour, till the most ample and exemplary satisfaction shall be obtained.”

We cannot forbear contrasting the above with the language used in the present case. Why does not the writer exhort the injured French subject and American citizen, to that meekness and forbearance under injuries, which he now urges upon the Protestant mission? Why does he not suppose the same virtue is as necessary in the former case as in the latter? Why does he suppose that chivalrous France will not for a moment permit the rights of one of her subjects to be invaded without speedy vengeance being visited upon the aggressor; or why suppose that the United States, when an alledged aggression upon the property of one of her citizens shall be made known in her council chambers, will not suffer herself to rest until exemplary vengeance shall be obtained; and yet that forty American citizens, whose dearest rights have been wantonly trampled upon, will be pursuing an unwise and ridiculous course, by appealing to their country for a redress of their wrongs? Is it because the rights of one French missionary are more sacred than the rights of forty American missionaries, with wives and children dependent on them for support? Is it because the property of one American

citizen is of more value than the lives of forty others and their families, or is his property of more value than that of the Am. Board, Am. Bible, and Am. Tract Societies?

Is the American Protestant missionary the only person who is outlawed? and may no rights but his be trampled upon without the hope of redress? Is the welfare of his family less dear to him, and are those rights which he received with his native air, less sacred than those of the American merchant, or the French missionary? No; he feels the welfare of his family to be as dear to him, and his rights as sacred as those of others, nor does he deem it more ridiculous and unwise to appeal from injustice, or remonstrate against it. Will it be said by any, that the mission or clergy were not all intended? If this was the fact why were not the guilty singled out? Who ever heard of a judge passing sentence of death upon a body of criminals, without naming them, and then saying that he intended to sentence but a part to death? How would the executioner know where to begin, or on whom to inflict the penalty? Not so do judges pass sentence, or the proper authority grant reprieves. When Boston and the surrounding country had taken up arms, in the early stages of the American revolution, a proclamation was issued offering free pardon to all who would lay down their arms and return to their allegiance, except *John Hancock* and *Sam'l. Adams*. So in Canada—of sixteen state prisoners sentenced to death, thirteen had their punishment commuted, whilst with *Chandler*, *Wait* and *M. Leod*, the law was left to take its course. Also in another instance the royal pardon was extended to fifty-three, whilst *Charles Durand* was left to suffer. But it is unnecessary to multiply examples to prove what is self-evident. It is universal practice and according to the dictates of common sense, to name the criminal when sentence is passed; and we should not have made these remarks, considering the contrary position an absurdity, had we not heard that the assertion has been made that all the missionaries were not intended in the exception made by Capt. Laplace. If this was true, why were not the guilty

named? Where was the security of the innocent and their families? There was none! No one who bore the name of missionary, had any security from the dangers of war, if it had come.

And even had the act of proscription extended to but one individual, and that one considered guilty by the public, still it would have been most illegal and unjust to have refused him a hearing.

We cannot but consider the whole transaction as an extraordinary and unjustifiable outrage; for had the missionaries been wholly or in part guilty, justice demanded that they should have been permitted to meet their accusers face to face, and understand the crimes wherewith they were charged.

We shall now insert a letter addressed to Capt. L. by several of the foreign residents of Honolulu, from the Sandwich Island Mirror, Aug. 15th.

To Post Captain C. Laplace,

Commanding the King of the French's Frigate l'Artemise,
Honolulu Roads, Oahu.

SIR:—We the undersigned in behalf of ourselves and fellow citizens, take the earliest opportunity after the termination of the unpleasant differences, between the government of France and this country, to convey to you our deep feelings of gratitude and esteem; for the considerate and generous offer of an asylum for our persons and property, in the event of your finding it necessary to commence actual hostilities against this country; although by your firmness and energy, affairs have been brought to a satisfactory settlement without an actual appeal to arms, and we had therefore no occasion to avail ourselves of your friendly offer; we beg to assure you, that we equally appreciate and honor the nobleness which in the midst of the many complicated considerations and engagements, as must necessarily occupy your attention on the eve of commencing hostilities, that you did not for a moment lose sight of the means of safety for our defenceless families and ourselves, but offered a secure refuge on board your gallant Frigate the l'Artemise, to all who feared for their persons or property, and were not identified with the enemies of France.

We have great pleasure in hearing that all differences are satisfactorily arranged, between the government of France and this country; as firm friends to independence and liberty of conscience, and haters of persecution, we hail your arrival at these Islands, as the most glorious epoch in their history since their discovery: We are willing to hope, that the horrifying realities of persecution and torture for conscience sake, will by your firmness and justice have been forever crushed, never again to show its Hydra head, and that the simple and confiding children of nature in these islands (so long deluded by designing and interested counsellors) will see the necessity, of immediately retracing their steps, and taking the manly and nobly disinterested example, you have set them for their guide, that the blessings

of freedom, peace and prosperity may be henceforward the increasing portion of these hitherto deluded people.

We feel much gratification in bearing our humble testimony to the high discipline and urbanity exhibited by all your gallant officers and men, when visiting our shores through the whole of this trying crisis.

We much regret that your limited stay at this place, obliges us to make this early farewell; we again tender you our warmest wishes, for your safe arrival in your native country, after so long an absence, in good health; we beg to assure you that your beautiful Frigate, the *l'Artemise*, her gallant Captain, officers and crew will always be remembered here with feelings of no common admiration and interest.

Be assured, Sir, of the high consideration and respect with which we subscribe ourselves,

Your obliged and grateful servants,

J. C. JONES,
WM. FRENCH,
J. MEEK,

GEO. PELLY,
S. REYNOLDS,
C. BREWER.

Honolulu, Oahu, 17th July, 1829.

We have but few remarks to make upon this document. What particularly arrested our attention, was the example here held up for imitation. The history of Capt. L.'s proceedings will show what kind of an example this is. An example, we think, fit only for despots to set or to follow — an example indeed of the condemnation of a whole community without trial! "Blessings of freedom and peace." (!) Freedom to the tyrant to do what he likes with impunity! freedom to bring the sword, the fire, and the spoiler to your dwellings, without fear of retribution! From such freedom and peace we pray to be delivered, and that the world may. A prevalence of such examples and such freedom, if allowed, would soon carry terror to every bosom, and spread the pall of death over all civil liberty. We never expected to see such examples held up for imitation by British and American freemen, whose ancestors, at so much labor and cost, had secured to themselves and their posterity, those invaluable safe-guards to personal freedom — trial by jury, the writ of habeas corpus, and liberty of the press!

We will only remark, in conclusion of this part of our subject, that had the French commander seen fit to adopt the ulterior measure, we cannot persuade ourselves that the American Consul, who is set for the protection of the rights and interests of American

citizens, or even private American citizens, however much they might differ in sentiment from the missionaries, could have allowed them and their families to be given up to the calamities of war without first remonstrating against such an act of lawless injustice; lawless because all enlightened nations allow the accused to meet their accusers face to face, and be tried for their lives. Fearful would be the precedent of this summary mode of condemnation and execution; and who could say that his turn would not next come, should he happen to differ in sentiment from those who, for the time being, wielded the power! As in the present case, the accused might first be informed of the crimes laid to their charge, in the mandate which had already gone forth for their execution. But until we have some evidence to the contrary, we must avow our belief that the transaction of which we complain was entirely unauthorized by His Majesty the King of the French; or at least, that were a true statement of the case laid before him, he would not give the least countenance or sanction to such conduct.

The Sandwich Islands Gazette claims the merit of having aided by its humble efforts, in bringing about the transactions which have been the subject of remark, and whoever peruses its columns must admit the justice of its claim; for so far as its publications have had any influence at all, they have been well adapted to to secure just such results. It has been the vehicle through which the most ungenerous censures have been heaped upon, and charges brought against the government under whose protection foreigners enjoy more privileges of freedom from taxation, duties on goods, and other immunities, than they would do in any civilized portion of the world; and which censures would not be tolerated by more than one or two of the civilized nations of Europe.

(See remarks of Pacificus, in the Gazette of May 27, 1837.)

*Mr. Dudoit, perceiving that two of the guns at the fort were loaded and pointed towards his vessel, with the slow matches burning, unwilling to contend against such unequal force, anxious to prevent the effusion of blood,

seeing the murderous intentions of the natives, very properly hauled down the English ensign which was flying at mast-head." etc.

And again, an American in the Gazette of July 1st, 1837.

"Mr. Dudoit fearing that should resistance be made, (seeing the warlike preparations of the natives,)" etc.

Every person acquainted with the location of the fort and harbor, knows that it would be utterly impossible for any one to tell, by the sense of sight, from the harbor, whether a gun placed on the fort was shotted or not.

But what shall we say when Mr. D. so readily reads their "*murderous intentions?*" We must conclude that his perceptions are of quite a supernatural order, as it is not given to ordinary men to read the *thoughts* and *intents* of the heart—any farther than they develop themselves in words and actions. We shall be better able to judge of the justice of the charge brought against the government in the present case, when we are informed that no guns were loaded, no matches burning, no murderous intentions entertained, and no warlike preparations made. As to the direction of the guns, we cannot doubt its being correct, for every one knows that the permanent direction of the guns on the west end of the fort is towards the harbor, consequently some must have pointed towards his vessel, unless they had been turned around and made to point inward.

Through its columns many and grievous charges have been brought against the missionaries, and abuse freely heaped upon them. They have been charged with many if not all the imperfections of government, and its abuses, whilst they hazard nothing in saying, that they feel far more deeply interested in the liberality, purity and perfection of the government, than do their accusers. They have been charged as the authors of persecution, and other charges too numerous to be mentioned: We can only refer to a few:—

“Our Gazette is open to free discussion, yet we see no attempt to throw off the *stigmas* which have been reflected through it upon the conduct of the *mission*.”

“Who justified the inhuman banishment and subsequent imprisonment of Mess. Bachelot and Short? Who urged the afterwards expulsion of the former divine at a moment when he was worn down with sickness, emaciated in person and enfeebled in mind. We answer *the missionaries*; and who, it may be asked, were the ostensible authors of that man’s death more properly we may say, *murder*.”

We hesitate not to accuse *the missionaries* of being the great first cause of all these persecutions; all these acts of inhumanity; all these unjustifiable deeds, which have been perpetrated by the natives of these islands, and we challenge them, if they dare to deny it, should they attempt it, we are ready to adduce damning proofs to authenticate what we have asserted.”

(See communication concerning Mr. Conde, No. 51, Vol. 3.)

The missionaries of the London Missionary Society at the South Sea Islands, have also participated in the abuse poured through the columns of the Gazette.

It has been used to bring obloquy upon the character of Capt. Jones, by the following declaration of one of its writers, in No. 40, Vol. 3:—

“*The visit of Com. Ap Catesby Jones at Oahu, in the year 1826, in the United States ship Peacock, tended more to injure the morals of the natives of Honolulu, than all others who have ever visited these islands during my residence here.*”

The Mirror, its successor, brands as enemies in the camp, who need to be watched, men who dare to have the independence to think and speak for themselves, if their thoughts and words run in a different channel from the contributors to its columns. We will not attempt to enumerate further, but refer to the Gazette for the proof of our assertion as to its contents, and the justice of its claims in being instrumental in bringing about the perpetration of one of the greatest acts of injustice which blot the pages of modern history. We do not, however, covet the pre-eminence which it has by such means obtained, and in which it glories.

It has from time to time loudly proclaimed freedom of speech, and liberty of the press; and those who

peruse its columns will judge how faithfully this liberty has been used in the manner above stated. But only reverse the case; let a disinterested stranger, who has no connection with the mission or government, but who has the impartiality to see and the independence to publish the unjust and partial proceedings of any man or set of men, which are true in the spirit if not in the exact letter used in the description, do so, and there is an immediate excitement. It is declared by individuals, that personal and national insult has been offered, and immediate satisfaction is demanded. We refer to the account of the visit of the *l'Artemise* by Mr. Jarves.

No foreigner or native, who knows any thing of the affair, we presume, doubts in his own mind that whatever language may have been used, it was the fear of the consequences of a refusal only which induced the government to consent to the treaty made with Capt. Laplace, by which was granted the importation of wine and brandy nearly duty free, (5 per cent.,) and the trial of French subjects by a jury chosen only from among foreigners, by the French Consul. To the other articles they doubtless willingly and cheerfully assented.

Is this then the freedom of speech and liberty of the press which is advocated? Freedom to speak against and attempt to blacken, the characters of missionaries and the government, whilst the first time the truth is held up by a disinterested and impartial person, if it reflects dishonor upon any course of conduct, individual or official, immediate satisfaction is demanded therefor. Are the Protestant missionaries the only persons whose characters may be aspersed, and the Sandwich Islands government the only government whose measures may be assailed with impunity? We leave the public to judge whether the statement of Mr. Jarves, in relation to the manner in which the late French commercial treaty was obtained, or the statement of Mr. Dudoit in relation to the intended hostility of the S. I. government towards an unarmed vessel and crew, reflect the greatest dishonor upon the parties concerned.

We shall now make some further extracts from the Gazette.

“It is a fact that the members of Catholic faith are now permitted to enjoy in these islands all the privileges granted to Protestants. It is a fact that this toleration is granted in opposition to every advice given by the Protestant missionaries, and despite of all their influence, all their power, all their prayers, and all their anathemas. It has been obtained through the intercession of a powerful potentate, and will be secured by the strong arm of the same monarch.”

We should not have noticed this clause had it not been for the statement in the latter part. The views of the mission upon the subject of toleration have been definitely stated; and these aspersions are only a counterpart of all the rest, and worthy the source whence they emanated. In relation to the last clause, we have already stated that the king gave orders that all punishment for Catholic worship should cease, (22 days before the arrival of l'Artemise.) Whatever may have influenced him to relax his measures it certainly was not the l'Artemise, as we are informed in the Gazette. In commenting on the treaty the Gazette says:—

“The sixth article prevents the prohibition of the import into this country of French produce, in particular wines and brandy. The introduction again into these isles of the latter article seems to have alarmed the advocates of totalism who have already began to predict utter ruin to this nation. We advise them however to keep cool themselves by taking more copious draughts of their own favorite beverage, and if they wish to reclaim the drunkard, or to stay the improper use of the *ardents*, let them do it by moral persuasion and not by misapplied force.

Captain Laplace was perfectly justifiable in *insisting* that the wines and brandies of France should not be prohibited; those constitute the principal articles of French produce, and the interest of that country requires that every country should be open to receive them. Let the United States for instance prevent the importation of French brandy, and what would be the consequence.

A retaliation on the part of France by excluding the cotton, the rice, the tobacco of America, perhaps a non-intercourse between the two countries and possibly the cause of war.”

We agree with the Gazette that the treaty was *insisted* on, but we would ask what right Capt. Laplace had to *insist* that a sovereign and independent nation should enter into a treaty, the terms of which were

decidedly against its interests as it supposed and to which it was evidently unwilling to subscribe.

We are told that he did right because it was for the interests of France. But had the Sandwich Islands no interests to consult in the matter? Or does it become the duty of all nations to consult French interests however destructive it may be to their own, and is France the only nation that has a right to consult her own interests? Or does this principle of duty and right apply only to those nations which are not able to cope with France? hence are obliged to submit to any terms she may please to impose. If the government consented to the above articles of its own free will, where was the necessity of *insisting* upon it. The fact that it had just enacted a law prohibiting the importation of spirits and levying a duty on wine is sufficient to show that it did not do it freely.

But we will see what are the rights of nations respecting commerce, according to the theory of international law. Says a writer:—

“As long as there is no treaty existing every state retains its natural rights to lay on such commerce whatever restriction it pleases.

A nation is then, fully authorized, first, to prohibit the entry or exportation of certain merchandises. Second, to institute customs and augment them at pleasure. Third, to prescribe the manner in which commerce within its dominions shall be carried on. Fourth, to point out the places where it shall be carried on, or to exempt it from certain parts of its dominions. Fifth, to exercise freely its sovereign power over the foreigners living in its territories. Sixth, to make whatever distinctions between the nations with whom it trades, it may find conducive to its interests.”—*Ency. Vol. 11, p. 761.*

It might be very convenient for the U. States to possess Central America, if a ship canal, or rail road could be constructed from the Atlantic to the Pacific, as her commerce in the Pacific is very valuable, and for every vessel engaged in it would save two long and perilous voyages around the Cape; but should she insist very hard upon a cession of the territory, because it was for her interests whilst the existing government was unwilling to grant it, we doubt not both Great Britain and France would have something to say as to the right, and justly too. To *insist* then upon a nation's acceding to the terms of a treaty

against its own free and voluntary will, or to urge it in any way, so as to render the fear of worse consequences from a refusal the prevailing motive of accession, unless it be done as a just punishment for crime, is an aggression upon the natural rights of a nation, and a violation of international law. The same writer says:—

“For a covenant to be obligatory five things are necessarily supposed. First, that the parties have power to consent. Second, that they have consented. Third, that they have consented freely. Fourth, that the consent be mutual, and Fifth, that the execution be possible.

Upon the third head he remarks:—

“The consent must have been a voluntary act of each contracting party. What has been extorted by physical necessity is not obligatory, because the party has not consented. What has been extorted by moral necessity, that is by the fear of a greater evil, is obligatory, if the violence employed by the other party was just; but if it was unjust, the obligation ceases through default of title in him who wants to acquire the right.

However, the liberty, security, and independence of nations could not subsist, if in default of a superior judge, and in default of a right to judge in their own cause, they did not acknowledge as just (with respect to *external effects*) all violence employed by each other. Therefore the plea of *fear* cannot be opposed to the validity of treaties between nation and nation except at most in cases where the injustice of the violence employed is so manifest as not to leave the least doubt.”

With these quotations and remarks we leave the public to judge whether Capt. Laplace was right in *insisting* upon a measure which it was the settled convictions of this government would be injurious to its best interests, merely because it might, or probably would, be beneficial to France.

It must be remembered that the terms of the treaty could not be *insisted* upon as any part of the punishment for the alledged aggressions, for the full penalty for these had been paid,—“perpetual” “peace,” declared and the government treated with, as an independent nation on terms of amity with France. To the remarks in relation to the United States I have only to say that every intelligent man well knows that in her negotiations with foreign powers, she had always sought her own interests, whether this has been done by prohibitions, by tarif, or allowing

the importation of merchandise duty free, it has been her object, and she feels that she has the right to adopt either course, or all, and this is true of every civilized nation. In many instances her own interests would doubtless, be best advanced by consulting the interests of others, as reciprocity in commerce is promotive of the general interests of all nations.

Our principal quotations in the foregoing remarks from the Gazette are from the last No. of the third volume, and we do not know that previously any missionary has noticed its aspersions for reasons before named; and with one more quotation from the editors farewell address we shall bid it adieu.

“The majority of those around us we believe tacitly approve of our exertions to expose error, but dare not openly avow it, we are all of us more or less the slaves to popularity, and those who have the boldness to step forward in defence of the rights of man, we think are entitled at least to the thanks of community, and will no doubt eventually receive the benediction of all but *priest-ridden dupes and fanatics.*”

In conclusion of these remarks, which have been protracted to a much greater length than we intended, we will say that all the representations of the transactions which have gone to the French government and in which they deem themselves aggrieved have been *exparte*, and if the Sandwich Island Gazette is any criterion by which to judge of the character of those representations, we do not wonder that they deem themselves insulted, nor in this light can we think the penalty inflicted a severe one. But had they received a fair and impartial account of all the transactions, in the case, we apprehend the results would have been very different. In such case had we received visits from their men-of-war, it would only have been upon embassies of peace.

The quotations in the preceding remarks from Vattel, are from the Philadelphia edition, 1829. — The writer is alone responsible for this article. He felt that the cause of truth and justice demanded that something should be said upon the foregoing subjects, at the present time. This must be his excuse for appearing before the public.

CORRESPONDENCE.

ON the 9th of October the United States East India Squadron, consisting of the Frigate Columbia, Commodore Read, commanding the squadron, and the Sloop of war John Adams, Captain Wyman, arrived at Honolulu from Macao, and sailed again for the United States on the 4th of November.

During the stay of the Squadron, the following correspondence took place:—

No. 1.

The Missionaries at Honolulu to Commodore Read.

Honolulu, October 16, 1839.

SIR:— Presuming that you are already aware of an attempt to deprive us of our rights as American citizens, and to make us liable to the ravages of war upon the nation for its alledged offences, as tho' we were a part of the native population of the Sandwich Islands; and considering ourselves as having been virtually proscribed as the enemies of France by the commanding officer of the French Frigate l'Artemise lately at this port, and charged with crimes in a manner likely to prejudice the public mind against us, both as citizens, and as the representatives of an intelligent, respectable and philanthropic chartered Society in the United States — the American Board of Commissioners for Foreign Missions — we owe it to ourselves as citizens, to the community we represent, and to the government whose protection we claim, that we avail ourselves of the earliest opportunity to ask an investigation of the question, whether by any act or acts of ours, or by our instructions, or influence, or general course of life, since the visit of Capt. Jones, in the U. S. Sloop of war Peacock to these shores, we have lost our American citizenship, or forfeited the protection of the United States.

Taking it for granted, from your high station and the objects of your pursuits, that the interests of no class of American citizens whom you may meet in your course, if in any way exposed to suffer unjustly, can be willingly overlooked by you, we solicit your kind attention to this subject, and request that you will do us the favor to examine the above questions yourself, and, should you prefer it, associate with you a number of your commissioned of-

fficers, or if that should seem to you objectionable, you will consent to appoint from your Squadron a committee or court of inquiry, consisting of Captain Wyman and as large a number of commissioned officers as can possibly be spared for that purpose.

While we maintain that we are not the authors or dictators of any of the penal laws of this country, or of the punishments inflicted on offenders; that we have not held and do not hold any civil office under this government, we are willing to submit the question whether the mission as a body, or as individuals, are in any way the authors or the blamable cause of the persecutions which have at different times existed here.

We have the honor to be, very respectfully,

Your obedient servants,

H. BINGHAM,
LOWELL SMITH,
LEVI CHAMBERLAIN,
EDWIN LOCKE,

G. P. JUDD,
A. S. COOKE,
H. O. KNAPP,
H. DIMOND.

To GEO. C. READ, Esq., Commanding
the U. S. East India Squadron, Honolulu Roads, Sandwich Islands.

No. 2.

The Missionaries to Commodore Read.

Honolulu, October 24th, 1839.

SIR:— On the 16th instant we had the honor of addressing to you a communication, in which we respectfully solicited an investigation of our conduct in reference to the charges against us contained in the Manifesto addressed to the Sandwich Island government by the commanding officer of the French Frigate l'Artemise.

Our object in presenting this petition was to obtain, if possible, a decision of the question whether we have lost our American citizenship or forfeited the protection of the United States, as implied in the Manifesto above referred to; or whether we have a right as peaceable citizens of the United States, to claim protection against hostilities from any foreign power with which our country is on terms of amity, should any such hereafter wage war upon this nation.

The investigation of this subject and decision of the question, we still deem of great importance, and we would earnestly renew our request for an investigation; nay, we beg leave respectfully to claim it as injured Americans; that the proceedings may be forwarded to our government and to the American Board of Commissioners for Foreign Missions.

Should you already have made arrangements to sail soon, we would ask the indulgence of having the stay of the squadron prolonged for a few days on the ground of, and the reasons for our appeal; unless you are already prepared to assure the United States government that we are unjustly accused, and have been unjustly proscribed as the enemies of France.

For ourselves we know not what is the testimony on which we have been proscribed; nor can we for a moment believe there is any which is valid. Should it be evident to your mind that there is none, you will do us the fa-

vor to inform us in reply to our communications: and if there is any ground for the charges brought against us, which can be regarded as valid; you will not fail to perceive that our duty to ourselves and to the society which we represent requires that we should urge this subject upon your attention that it may receive a thorough investigation, while the squadron still remains at this port.

We have the honor to be, very respectfully,
Your obedient servants,

H. BINGHAM,
LEVI CHAMBERLAIN,
A. BISHOP,
S. N. CASTLE,

G. P. JUDD,
H. O. KNAPP,
A. S. COOKE,
L. SMITH.

To GEO. C. READ, Esq., Commanding
the U. S. East India Squadron, Hono-
lulu Roads, Sandwich Islands.

No. 3.

The Missionaries to the United States Consul.

Honolulu, Oct 25, 1839.

SIR:—We have addressed to G. C. Read Esq., commanding the U. S. squadron now lying in this port two communications under date of the 16th, and 24th inst, copies of which we hand you enclosed for your information, requesting that a court of inquiry may be appointed from officers of the squadron to investigate our conduct and ascertain whether we have in any way violated our neutrality towards the French nation as American citizens, and may properly be treated as the enemies of the French; and we have to request that you would use your influence to forward our suit in your official capacity, as we feel that, as American citizens, we have a right to demand at the hands of our country that justice which her humblest sons may claim.

When we reflect that a Frigate was sent to investigate and redress the wrongs inflicted on American citizens by the Malays in the island of Sumatra, we feel that the recent proscription entitles us to the privilege of asking the detention of the squadron, while a full and impartial investigation may take place; that our government may be furnished with all the facts and requisite information in relation to the proceedings. We feel solemnly bound to urge our request for an investigation, not only on our own account, but for the general benefit of our countrymen, of whatever calling they may be; for, if the principle be established by precedent or otherwise, that our proscription by the French commander was *legal* and *just*, then all security for our lives and the lives of our families, our property and the commercial interests of our country, is at an end.

We remain, very respectfully, Your Obt. Servts.

H. BINGHAM,
GERRIT P. JUDD,
LEVI CHAMBERLAIN,
A. S. COOKE,

S. N. CASTLE,
H. DIMOND,
H. O. KNAPP,
LOWELL SMITH.

To P. A. BRINSMADE, Esq.,
United States Consul;
Honolulu, Sandwich Islands.

No 4.

The United States Consul to the King.

United States Consulate,
Sandwich Islands, Oct, 26, 1839. }

SIR:—As the opinion seems to be to some extent entertained that American citizens residing in the Sandwich Islands as missionaries under the patronage of an Incorporated Institution of the United States, have exerted a controlling influence upon the framers of the laws of this country, I have very respectfully to inquire, if they have ever had any voice in the passage of laws affecting the interests of other foreigners, and particularly whether they have ever had any thing to do in the measures adopted by your government for the prevention of the introduction of the Catholic religion into the country. And whether in the treatment which has been shown to any subject of the government of France, they have directly or indirectly recommended the course pursued by your government, and also whether in the attempts made under your authority to suppress the public exercise of the Roman Catholic religion on the part of your own subjects they have countenanced those attempts. If they have in any of these respects controled the action of your government, will you be pleased to inform me very explicitly in what manner and to what extent. An early reply will be a favor.

With the highest considerations,

I have the honor to be,

Your Majesty's most obt. servt.,

P. A. BRINSMADE,

United States Consul.

To His Majesty, KAMEHAMEHA III.,
King of the Sandwich Islands.

No. 5.

The King to the United States Consul.

TRANSLATION,

Kauwila House, present Residence of the }
King of Hawaii, Oct. 28, 1839. }

My Respects to you
the American Consul,

I have received your letter asking questions respecting the American missionaries, supposed by some to regulate the acts of my government under me; I, together with the chiefs under me, now clearly declare to you, that we do not see any thing in which your questions are applicable to the American missionaries. From the time the missionaries first arrived, they have asked liberty to dwell in these Islands. Communicating instruction in letters, and delivering the word of God has been their business.

They were hesitatingly permitted to remain by the chiefs of that time, because they were said to be about to take away the country. We exercised

forbearance however, and protected all the missionaries, and as they frequently arrived in this country, we permitted them to remain in this kingdom because they asked it, and when we saw the excellence of their labors, then some of the chiefs and people turned to them in order to be instructed in letters, for those things were in our opinion really true.

When the Priests of the Romish religion landed at these Islands, they did not first make known to us their desire to dwell on the islands, and also their business. There was not a clear understanding with this company of priests as there was with that; because they landed in the country secretly without Kaahumanu's hearing any thing about their remaining here.

When the number of the followers of the Romish religion became considerable, certain Captains of whalships told Kaahumanu of the evil of this way, and thus Captain D . . . informed me of a great destruction in Britain in ancient time, and that his ancestors died in that slaughter, and he thought a like work would soon be done here. That was the company who informed us of the evil of the Romish religion, and also a certain French man of war, and a certain British man of war approved of what we did.

In as much as I do not know of the American missionaries having had any thing to do in my business with my chiefs, I have therefore inquired of them the chiefs, and they say, no, in the same manner as I now say, no, to you.

Some of them however have told me of having known certain things done by certain missionaries, viz., what Mr. Bingham said to Kaahumanu, "I have seen some people made to serve at hard labor on account of their having worshiped according to the Romish religion. Whose thought is that?" Kaahumanu said to him, "Mine." Then he that spake to her objected quickly, saying, "It is not proper for you to do thus, for you have no law that will apply." When he said that, then Kaahumanu immediately replied to him with great strength, "The law respecting Idolatry; for their worship is like that which we have forsaken." Mr. Clark also, and Mr. Chamberlainspoke to Kinau while Kaahumanu was yet alive, and objected to said conduct, and afterwards Dr. Judd. And at a certain time Mr. Bingham and Mr. Bishop disputed strongly with Kinau on account of the wrong of punishing those of the Romish religion.

And now in Kekauluohi's time Mr. Richards disputed strongly with Kekuanaoa, urging the entire abolition of that thing, and that kindness should be bestowed on them, that they might be pleased, giving them also an instructor to teach them the right way; and thus also he said to Kekauluohi and to me.

And afterwards when Mr. Bingham heard by Mr. Hooper that certain women were confined in irons at the fort he went immediately and made known to Kekuanaoa the wickedness of their confinement for that thing, and when Kekuanaoa heard it, he immediately sent a man, and afterwards went himself to the fort to set the prisoners free, for their confinement was not by order of the chiefs.

Should it be said by accusers that the American missionaries are the authors, of one law of the kingdom, the law respecting the sale of rum, or if not, that they have urged it strongly, I would say, a number of Captains of whalships commenced that thing, thousands of my own people supported them, and when my chiefs saw that it was a good thing, they requested me to do according to the petition of that company, and when I saw that it was really an excellent thing, then I chose that as a rule of my kingdom.

But that thing which you speak to me of, that they act with us, or ever erule our acts, we deny it, it is not so.

We think that perhaps these are their real crimes:

Their teaching us knowledge. Their living with us, and sometimes translating between us and foreigners. Their not taking the sword into their hand and saying to us with power, stop, punish not the worshipers in the Romish religion.

But, to stand at variance with, and to confine that company, they have never spoken like that since the time of Kaahumanu I. down to the time that the Romish priest was confined on board the Europa.

I think, perhaps these things are not clear to you; it would perhaps be proper, therefore, that the American missionaries should be examined before you and Commodore Read, and us also.

Thus I have written you with Respect,

(Signed)

KAMEHAMEHA III.

No 6.

Commodore Read to the Missionaries.

U. States Frigate Columbia, }
Honolulu Roads, Oahu, October 28th, 1839. }

GENTLEMEN:—The receipt of your letters of the 16th and 24th instant, is hereby acknowledged. An answer would have been returned at an earlier date had not numerous engagements and pressing business prevented.

I am deeply grieved to learn that on the late visit of the French Frigate *l'Artemise* the protection which was offered to all other American residents at this place, was refused to you on the ground of your being "enemies of France," and that you were considered by her commander as having identified yourselves with the native population, and therefore liable to the ravages of a war which he contemplated making upon the government of these islands.

I am also aware that you are what you announce yourselves to be, "the representatives of an intelligent, respectable and philanthropic chartered society in the United States," and that as such, and individually as citizens of the United States, you are entitled to my protection. But the acts of which you complain are of a date which has enabled you to make a representation of them to your government, and I am not of opinion that an investigation such as that you ask for could at this time be effected in a satisfactory manner to yourselves or to others who might desire it.

In the first place, the time I have prescribed for remaining here, does not admit of my undertaking such an inquiry. The risk attending my lying in these Roads beyond the last of the present month; the impossibility too of obtaining bread, of which we shall be in want before we can reach South American; and the circumstance that nearly all the officers who would be required to constitute such a Board, or Court as that you propose, being at present employed on court-martial duty, are further and serious obstacles in the way of my yielding to your wishes.

If time and other circumstances would permit, a Board or Court might be appointed, but the power to summon witnesses would be wanting, and a refusal to attend would place me in an awkward position.

Moreover, I think that in the present state of excitement such a course would be more likely to increase than to allay it; and that though you might satisfy your friends at home of the charges being unfounded, you might not be able to accomplish that object here. That you have acted, or meant to act by any advice or by any opinions you may have given to the government as the "enemies of France," I cannot believe. It cannot be supposed by me that you entertain hostility towards a nation with which we are at peace, and towards the subjects of which it is the desire of our government and people to cherish a friendship.

This charge has no doubt grown out of the banishment by the government of these islands, of some Roman Catholic Priests, and the prosecution of some of the native proselytes to the Roman Catholic religion, measures, of which you have been considered the advisers. No proof, however, has been received by me that you were the authors of these acts, and from information received I have every reason to believe that the landing on these Islands of clergymen of the Roman catholic faith was opposed by others than those of the American mission, or of the country from which the mission comes, from a conscientious belief that it would promote the happiness of the people to have but one religious creed taught them.

But admitting that you did exercise the influence which your situation gave you to prevent other religious denominations coming here, you did no more than counsel, as is natural to man in such cases.

Some of you were the first missionaries who came hither to teach the gospel of the Old and New Testament. You obtained a favorable reception and succeeded in the accomplishment of your object beyond expectation, having in a few years converted to the faith you preached a greater proportion of the inhabitants than has been effected in any other quarter of the globe in the same time.

In a population of only 100,000 human beings, at which the inhabitants of this archipelago is estimated, it was thought that much mischief might grow out of a general permission to the clergy of all denominations to teach their peculiar tenets. On this ground, as I learn, the introduction of the Roman Catholic religion into these islands was opposed, and not because they happened to be natives of France who came to these shores for the same purpose.

If you ask me what steps you are to take to prove your innocence of what you are pleased to call charges, and do away if possible with the prejudice which may exist at Honolulu, my answer is, that you have already informed your government of all the circumstances of the case, and that, if our rulers deem an inquiry necessary they will no doubt direct it to be made.

In the mean time, I would recommend the utmost forbearance as the best and only mode of disarming your opponents of any resentments they may feel.

I shall make it my business to represent to the commander of the Pacific Squadron the peculiar situation in which you have been placed, and request that he may send a vessel of war to visit you from time to time. I shall also make known your apprehensions to my government, and I doubt not that every protection will be afforded you.

Accept my best wishes for your future peace and happiness and believe me, gentlemen,

With much respect, your obedient servant,
GEO. C. READ,
Commanding the U. States East India Squadron.

To Rev. Messrs. H. Bingham,
" " L. Smith,
" " A. Bishop,
" " L. Chamberlain,
" G. P. Judd,
" H. O. Knapp,
" A. S. Cooke,
" Edwin Locke,
" H. Dimond,
" S. N. Castle.

No. 7.

The United States Consul to Commodore Read.

U. States Consulate,
Sandwich Islands, Oct. 29, 1839. }

SIR:—I have before me a communication from several individuals of the American mission at these islands, requesting of me any aid I can furnish you towards an investigation of the charges in which they were involved in the recent correspondence between an officer of the French navy and the authorities of this country.

It seems to me quite probable that a note of inquiry calling for a specification of charges and the grounds on which they rest, addressed officially by you to the French Consul, would evolve all the information that is desired, and put you in possession of all the opinions which induced Capt. Laplace to place the missionaries in a position so offensive to them.

The result of such an inquiry might be of service to our government, as well as a satisfaction to yourself; and the fact of such inquiry being made, would also serve to show to this community, both natives and foreigners, that those who conduct the naval forces sent abroad under the authority and to sustain the honor of the United States, are equally watchful for the interests of their fellow citizens, whatever may be their avocation, as those who hold similar commissions from other powers.

With every sentiment of respect,

I am, Sir, your most obedient servant,

P. A. BRINSMADE.

To GEORGE C. READ, Esq.,
Comd'ng U. S. East India Squadron.

No. 8.

Commodore Read to the U. S. Consul.

U. States Frigate Columbia,
Honolulu, Oahu, Oct. 28, 1839.

SIR:—By your letter of the 29th instant received yesterday I am in-

formed that you "have before you a communication from several individuals of the American missionaries at these Islands requesting of you any aid you can furnish me towards an investigation of the charges in which they were involved in the recent correspondence between an officer of the French navy and the authorities of this country."

And you further state that it seems to you "quite probable that a note of inquiry, calling for a specification of charges and the grounds on which they rest, addressed by me to the French Consul would evolve all the information that is desired, and put me in possession of all the opinions which induced Capt. Laplace to place the missionaries in a position so offensive to them."

In reply it is my duty to inform you that all such applications, if deemed necessary, should be made by the Consul or by the American missionaries themselves, and that I must decline having any thing to do with the French Consul at this late hour, on the subject. Want of time, the risk attending the lying in these Roads, and the belief that it could answer no useful purpose are, if I had no other reasons for declining, sufficient to deter me from entering upon an investigation of charges which have existed from a period anterior to the visits of any of our men-of-war at these islands. Three weeks have elapsed since my arrival here. If specifications of charges be required of the French Consul, why were they not applied for long since? Surely the American missionaries did not entertain the belief that I would lie in this exposed Roadstead for an indefinite time to inquire into grievances which it is out of my power to redress. You know that had I received the provisions sent for to another island, it was my intention to have sailed on Wednesday last. And the reasons given in my letter of the 28th instant, were, I should think, ample to satisfy the American mission that it was from necessity, and not for want of inclination, that I declined taking up the matter at issue between their opponents and themselves.

Every day's detention in my present position admonishes me the more that I should leave this anchorage as soon as possible. And if the schooner does not arrive by tomorrow, I shall feel myself obliged to sail without the supply of provisions sent for.

In answering the remarks contained in the last paragraph of your letter, I must observe that however satisfactory such an investigation might be to my government and self, I cannot believe that it would change the opinions entertained by either friends or enemies. Those who conduct the naval forces of our government will always feel themselves in duty bound to protect the citizens of the United States abroad whatever may be their avocation; but I am equally certain that no step could be taken by me that would remove long standing and deep rooted prejudice.

If specifications of the charges exhibited against the American missionaries by Capt. Laplace can be obtained from the French Consul, I will deliver them to my government, with a suitably earnest request that they may be inquired into. But if you still desire that I shall remain to prosecute the investigation, you must find a harbor into which the ship can go, and lie in safety.

I am, Sir, very respectfully, your obedient servant,

GEO. C. READ,

Commanding U. S. East India Squadron.

To P. A. Brinsmade Esq.,
U. S. Consul, Oahu,
Sandwich Islands.

The United States Consul to Commodore Read.

United States Consulate,
Sandwich Islands, Oct. 31, 1839. }

SIR:—Yours of present date has this moment been handed to me and I hasten to say that I was aware when I addressed you on the 29th inst, of the difficulties and embarrassments that might attend an investigation in the form suggested by the Am. Missionaries, and I fully appreciate your objections to attempt a thorough inquiry, at this late hour, into the circumstances by which many of your fellow citizens at these Islands have been exposed to insult and outrage. I hope that you, also, will duly estimate the disadvantages which would attend any inquiries that might be instituted by me.

The opinion which I adopted when the *l'Artemise* was here remains unchanged, that inquiries into the proceedings of Capt. Laplace, so far as American interests were involved, to be most effective, should be originated at Washington; and, with that view, I have transmitted to the department of State, a circumstantial account of those proceedings. In that account will be found a general statement made by Capt. Laplace of offenses against his government, for which he held certain American citizens responsible. The parties implicated disclaimed all such responsibility, but owing to the peculiar state of the community, and the agitating circumstances under which the charges originated, they judged it expedient to bring their grievances before their government in the form of a memorial to Congress, in preference to any protest or remonstrance addressed to Capt. Laplace. Having adopted this decision to address their wrongs and petitions to the highest earthly power to which they could look, I had supposed that the matter would be left for the action of their government. When therefore they desired me to further their application to you for an inquiry into the *facts* connected with their relations to this government and to that of France, I believed it to be their purpose to put you in possession of such truth as would be useful to the government and people of their native country, and not their expectation that you would take the matter of redressing their wrongs from the hands to which they had so gravely committed it.

If it be impracticable for you to remain in the exposed situation of your ship "to inquire into grievances which it is out of your power to redress," it would "a fortiori" be inexpedient for me to pursue such an inquiry, for with yourself, "I am equally certain that no step could be taken by me that would remove long standing and deep rooted prejudice."

In my view, however, the removal of prejudice, the vindication of personal character or the effacing of any stigma that may have attached to professional avocation however desirable or gratifying it might be to all parties, neither you or myself can be called upon *officially* to undertake:—But when it is represented that essential interests are jeopardized and rights guaranteed by the highest powers of our government are invaded, and even the proud claim to American citizenship is denied, responsibility becomes serious, and indispensable, except it be obviated by uncontrolable necessity, and such a necessity seems by your statements, plainly to exist in your case. I hope however that every attention that may be due from our government to the individuals who have represented their injuries to you, will be promptly afforded; and that you will not only urge the subject upon the regards of the

department to which your official correspondence is addressed, but that you will also strongly present to the Commander of our naval forces on the Pacific station the need of the protection and countenance of a frequent visit of a ship of war at these islands.

You have had opportunity to learn much of the great and rapidly increasing value of American interest here, and in the view which you are pleased to take of the recent events that have transpired among us, it must be perfectly preceptible how liable all these interests are at every moment, to be put in imminent peril if not sacrificed.

I feel inexpressibly happy in view of the favorable termination of our long standing difficulties and misunderstandings between foreign residents and this government which has been effected by your persevering kindness and address; and I hope that the assurance may be gratifying to you that you will leave our community in apparently a better mood of feeling than has existed for several years.

Those of your fellow-citizens, whose object of living on these shores is rather to impart than acquire, will probably feel encouraged by the very friendly recognition and countenance you have afforded them; and I trust will be benefited by your counsels. I feel it due to them, in consideration of the peculiar relation in which they stand to this people, and in view of the correspondence which you have had with them, to enclose to you a copy of a letter recently received from His Majesty, in reply to inquiries I felt it necessary, for my own information and that of my government, to make.

Be pleased, Sir, to accept the assurances of the sentiments of
Respect and esteem, with which I remain, very truly,
Your most obedient servant,
P. A. BRINSMADE.

To GEO. C. READ, Esq.,
Commanding the U. S. E. I. Squadron.

No. 10.

The United States Consul to the Missionaries.

United States Consulate,
Sandwich Islands, Oct. 31, 1839. }

GENTLEMEN:—Your communication of the 26th instant, has been received. So soon as Commodore Read had disposed of engagements that were then occupying his time, I addressed him formally on the subject to which you solicited my attention; and that you may have the earliest and circumstantial information in regard to his views, I herewith transmit to you a copy of the correspondence had with him. By my second letter you will learn my views in respect to the propriety of agitating further the matter on which you feel aggrieved.

It seems due to the government whose protection you claim, that you should have unhesitating confidence in its wisdom, and that you should wait

patiently for its action upon a case in which it is understood you have seriously called for its interposition.

I remain, Gentlemen, very respectfully,
Your most Obt. Servt.,

P. A. BRINSMADÉ.

To Messrs. H. Bingham,
Gerrit P. Judd,
Levi Chamberlain,
Amos S. Cooke,
S. N. Castle,
Henry Dimond,
Horton O. Knapp,
L. Smith.

No. 11.

The Missionaries to Commodore Read.

Honolulu, November 1, 1839.

SIR:—Your communication of the 28th ult., was received on the afternoon of the 29th. As it seemed to require no answer, we have thus long delayed the acknowledgment of its receipt; and we will only say in relation to it, that we regret you find yourself unable at this time to institute a court of inquiry, and prosecute that investigation into the validity of the charges brought against the Mission, which we so much desire, and which we think the cause of truth demands.

It gives us pleasure to embrace this opportunity to bear testimony to the kindness and urbanity which have uniformly marked your intercourse, & that of Capt. Wyman, and the officers of the squadron under your command, with us; and it is our ardent desire that wherever the stars and stripes of our Union are unfurled—whether upon the sea or upon the land, whether amongst savage, barbarous, or civilized nations—the blessings of peace may be enjoyed, and similar testimony be justly awarded to the department of her highly favored sons. We regret not only on our own account that causes beyond your control impel you to hasten your departure, but because of the salutary influence which we have reason to believe a more prolonged stay would exert upon the government and native population of these islands.

Allow us, in bidding you farewell, to tender you our best wishes for your prosperity; and our prayer in your behalf is, that by the blessing of Him who rules the raging flood, and can say to the angry sea, "Peace, be still," and be obeyed, you and those who sail with you, may be safely wafted over the bosom of the deep, to the shores of our own beloved country; that you may be fitted and prepared, not only for the enjoyment of the happiness of the life that now is, but of that which is to come.

With sentiments of high consideration, we have the

Honor to subscribe ourselves, very respectfully,

Your fellow-citizens, and obedient servants,

H. BINGHAM,
L. SMITH,
GERRIT P. JUDD,
HENRY DIMOND,

SAMUEL N. CASTLE,
LEVI CHAMBERLAIN,
AMOS S. COOKE,
HORTON O. KNAPP.

To Geo. C. READ, Esq., Commanding
the U. S. East India Squadron, Hono-
lulu Roads, Sandwich Islands.

We are unauthorized by the gentlemen who ordered the publication of the article and correspondence, to make any comments; and shall therefore refrain from doing so, although some remarks seem necessary to a clear understanding of the views therein expressed. It seems proper to add a few words of explanation, which we do upon our own responsibility; and first, in the Commodore's letter to the Consul. He says, "If the specifications of charges be required of the French Consul, why were they not applied for long since." The answer is; The mission supposed that the proper source from which those inquiries should originate would be the court appointed to investigate, and it will be seen by the correspondence that an application for the institution of such a court was made on the 16th, and renewed on the 24th. Second; he speaks of the reasons given in his letter of the 28th to the mission as being ample for not entering into the inquiry. Said letter was not received until the 29th, and as the letter of the mission to the Consul requesting him to further their application, was of an earlier date, it will be seen that those reasons, whatever they were, could not be appreciated by the mission, as they were unknown to them. Third, the letter of the Consul to the mission, inclosing copies of the correspondence, was not received until some days subsequent to date, hence the reason why some points in the communication of the Commodore to the Consul were not noticed in their letter to him, (the Commodore,) of Nov. 2nd, as they would seem to require to be, being supposed by the date of the Consul's communication inclosing the correspondence, to be in possession of the mission while they were not; and fourth, it may be inferred from a remark in the Consul's letter to the missionaries that they sought an investigation with an earnestness which amounted to impatience. He doubtless did not intend to convey this idea. The public will judge from the documents with what degree of urgency the missionaries pressed their case. They desired the investigation, supposing it to be the best time and the properly authorized person on the ground to prosecute it. They are

not aware of feeling any degree of impatience on the subject.

The intercourse of the commander and officers of the squadron with the various members of the mission present at Honolulu, during its stay, was of the most agreeable and friendly kind, as will be seen by letter No. 11.

S. N. CASTLE.

APPENDIX.

Manifesto issued by Captain Laplace.

“His Majesty, the king of the French, having commanded me to come to Honolulu in order to put an end, either by force or persuasion, to the ill treatment to which the French have been victims at the Sandwich Islands, I hasten, first, to employ this last means as the most conformable to the political, noble and liberal system pursued by France against the powerless, hoping thereby that I shall make the principal chiefs of these islands understand how fatal the conduct which they pursue towards her, will be to their interests, and perhaps cause disasters to them and to their country, should they be obstinate in their perseverance. Misled by perfidious counsellors; deceived by the excessive indulgence which the French government has extended towards them for several years, they are undoubtedly ignorant how potent it is, and that in the world there is not a power which is capable of preventing it from punishing its enemies; otherwise they would have endeavored to merit its favor, or, not to incur its displeasure, as they have done in ill treating the French. They would have faithfully put into execution the treaties, in place of violating them as soon as the fear disappeared, as well as the ships of war which had caused it, whereby bad intentions had been constrained. In fine they will comprehend that to persecute the Catholic religion, to tarnish it with the name of idolatry, and to expel, under this absurd pretext, the French from this archipelago, was to offer an insult to France and to its sovereign.

It is, without doubt, the formal intention of France that the king of the Sandwich Islands be powerful, independent of every foreign power which he considers his ally; but she also demands that he conform to the usages of civilized nations. Now, amongst the latter there is not even one which does not permit in its territory the free toleration of all religions; and yet, at the Sandwich Islands, the French are not allowed publicly the exercise of theirs, while Protestants enjoy therein the most extensive privileges; for these all favors, for those the most cruel persecutions. Such a state of affairs being contrary to the laws of nations, insulting to those of Catholics, can no longer continue, and I am sent to put an end to it. Consequently I demand in the name of my government,

1st. That the Catholic worship be declared free throughout all the dominions subject to the king of the Sandwich Islands; that the members of this religious faith shall enjoy in them all the privileges granted to Protestants.

2nd. That a site for a Catholic church be given by the government at Honolulu, a port frequented by the French, and that this church be ministered by priests of their nation.

3rd. That all Catholics imprisoned on account of religion since the last persecutions extended to the French missionaries be immediately set at liberty.

4th. That the king of the Sandwich Islands deposite in the hands of the Captain of l'Artemise the sum of twenty thousand dollars as a guarantee of his future conduct towards France, which sum the government will restore to him when it shall consider that the accompanying treaty will be faithfully complied with.

5th. That the treaty signed by the king of the Sandwich Islands as well as the sum above mentioned be conveyed on board the Frigate l'Artemise by one of the principal chiefs of the country; and also, that the batteries of Honolulu do salute the French flag with twenty-one guns which will be returned by the Frigate.

These are the equitable conditions at the price of which, the king of the Sandwich Islands shall conserve friendship with France. I am induced to hope, that, understanding better how necessary it is for the prosperity of his people and the preservation of his power, he will remain in peace with the whole world, and hasten to subscribe to them, and thus imitate the laudable example which the Queen of Tahiti has given in permitting the free toleration of the Catholic religion in her dominions; but, if contrary to my expectation, it should be otherwise, and the king and principal chiefs of the Sandwich Islands, led on by bad counsellors, refuse to sign the treaty which I present, war will immediately commence, and all the devastations, all the calamities which may be the unhappy but necessary results, will be imputed to themselves alone, and they must also pay the losses which the aggrieved foreigners, in these circumstances, shall have a right to reclaim.

The 10th July, (9th according to date here,) 1839. Captain of the French Frigate l'Artemise,

(Signed)

C. LAPLACE.

Treaty Between the King of the French and the King of the Sandwich Islands.

ART. 1st. There shall be perpetual peace and friendship between the king of the French and the king of the Sandwich Islands.

ART. 2nd. The French shall be protected in an effectual manner in their persons and property by the king of the Sandwich Islands, who shall also grant them an authorization sufficient so as to enable them juridically to prosecute his subjects against whom they will have just reclamations to make.

ART. 3rd. This protection shall be extended to French ships and to their crews and officers. In case of shipwreck the chiefs and inhabitants of the various parts of the Archipelago shall assist them and protect them from pillage. The indemnities for salvage shall be regulated, in case of difficulty, by arbiters selected by both parties.

ART. 4th. No Frenchman accused of any crime whatever shall be tried except by a jury composed of Foreign residents, proposed by the French Consul and approved of by the government of the Sandwich Islands.

ART. 5th. The desertion of sailors, belonging to French ships shall be strictly prevented by the local authorities, who shall employ every disposable means to arrest deserters, and the expenses of the capture shall be paid by the captain or owners of the aforesaid ships according to the tariff adopted by the other nations.

ART. 6th. French merchandises or those known to be French produce, and particularly wines and *eaux devies* (brandy) cannot be prohibited, and shall not pay an import duty higher than 5 per cent. *ad valorem*.

ART. 7th. No tonage or importation duties shall be exacted from French

merchants, unless they are paid by the subjects of the nation the most favored in its commerce with the Sandwich Islands.

ART 8th. The subjects of king Tamehameha III. shall have a right in the French possessions to all the advantages which the French enjoy at the Sandwich Islands, and they shall moreover be considered as belonging to the most favored nation in their commercial relations with France.

Made and signed by the contracting parties the 17th July, 1839.

(Signed)

TAMEHAMEHA III.

C. LAPLACE.

Post Capt. Commanding the French Frigate l'Artemise.



JAN 25 1921

